

02/14/91

*an early version?
see revision?*

House Bill

[REVISOR] RJS/KK 91-1387

1 one such course in later academic periods.

2 Sec. 15. Minnesota Statutes 1990, section 123.951, is
3 amended to read:

4 123.951 [SCHOOL SITE MANAGEMENT AGREEMENT.]

5 A school board ~~may~~ shall enter into an agreement with a
6 permanent school site management team concerning the governance,
7 management, or control of ~~a~~ each school in the district by July
8 1, 1995. An initial school site management team shall be
9 appointed by the school board and shall include the school
10 principal, representatives of teachers in the
11 school, ~~representatives of other employees in the school,~~
12 representatives of parents of pupils in the school,
13 representatives of pupils in the school, and representatives of
14 other members in the community, ~~and others determined~~
15 ~~appropriate by the board~~. The permanent school site management
16 team shall consist of at least the school principal and two
17 representatives elected by each group represented on the initial
18 team.

19 The school board may delegate any of its powers or duties
20 to the school site management team. Any powers or duties not
21 specifically delegated shall remain with the school board.

22 Sec. 16. [123.955] [CHARTERED SCHOOLS.]

23 Subdivision 1. [DEFINITIONS.] In this section, the
24 definitions in this subdivision apply.

25 (a) "Local board" means:

26 (1) a local school district board;

27 (2) an education district board;

28 (3) an intermediate district board; or

29 (4) a joint powers board formed for public school purposes
30 under section 471.59 that grants a charter for an outcome-based
31 school.

32 (b) "Public school educator" means a teacher under section
33 125.182, subdivision 2, a person with a valid alternative
34 preparation license under section 125.188, or a nonlicensed
35 community expert under section 121.611 who teaches in an
36 outcome-based chartered school. A school administrator defined

1 as a teacher under section 125.12, subdivision 1, and licensed
2 by the state board may assist a public school educator in
3 establishing and operating an outcome-based chartered school.

4 Subd. 2. [OUTCOME-BASED SCHOOLS.] A charter is an
5 agreement between a board, the parents of pupils interested in
6 starting a chartered school for their children to attend, public
7 school educators, and community residents interested in
8 establishing and operating a chartered school. A chartered
9 school must be located within the school district of the local
10 board granting a charter or within a member school district of
11 any other local board granting a charter. A chartered school is
12 an outcome-based public school that improves children's quality
13 of education with innovative learning opportunities. The
14 courses of study offered by a chartered school must meet or
15 exceed applicable educational standards for all similar courses
16 offered in the school district in which the chartered school is
17 located, unless the state board waives a rule for a chartered
18 school under subdivision 12.

19 Subd. 3. [AUTHORIZATION.] Upon filing an approved
20 application for a chartered school with the commissioner of
21 education, one or more local boards independently of one another
22 may grant a charter for a school. Each type of board enumerated
23 in subdivision 1, paragraph (a), clauses (1) to (4), may grant a
24 maximum of two charters. The commissioner shall advise local
25 boards when the maximum number of charters has been granted. A
26 local board may not grant a charter to a nonpublic school or to
27 a program operated by a nonpublic school or a religious
28 institution. A school receiving a charter must not consider
29 race, religion, national origin, gender, previous academic
30 achievement, athletic or other extracurricular activity,
31 handicapping condition, proficiency in the English language,
32 family income, or previous disciplinary proceedings in accepting
33 or rejecting a pupil for enrollment. A chartered school is
34 subject to the public school fee law, sections 120.71 to 120.76.

35 Subd. 4. [APPLICATION.] (a) A group of public school
36 educators, parents of school age children, and interested

1 community residents, as a charter team, may submit to a local
2 board for approval an application for a charter to establish and
3 operate a chartered school. The local board must file an
4 approved application for a chartered school with the
5 commissioner of education within seven days of granting a
6 charter. The local board may approve a charter for a full-time
7 or part-time school program. A chartered school may be a
8 self-contained school or may be operated within an existing
9 school.

10 (b) An application for a chartered school must describe the
11 age group to be served, the learner outcomes to be achieved, and
12 the resources needed to accomplish those outcomes. An
13 application must include at least the items enumerated in this
14 paragraph:

15 (1) a clear statement of purpose that describes the
16 innovative learning opportunities the school expects to provide
17 to pupils attending the school and the mechanisms for
18 implementing those opportunities;

19 (2) the organization of the charter team and its
20 relationship to the governing body of the chartered school
21 selected under subdivision 6;

22 (3) an operating budget that includes cost estimates of
23 planning activities, consultant services, travel expenses, and
24 extra-time stipends;

25 (4) a financial plan for operating the school during the
26 term of the charter;

27 (5) a proposal to retain unlicensed public school educators
28 as independent contractors, not to be included within the
29 bargaining unit of the school;

30 (6) learner outcomes to be achieved and assessment
31 mechanisms to evaluate pupils' achievement of those outcomes;

32 (7) projected enrollment by grade level and subject area;

33 (8) a plan for encouraging parents and community members to
34 support the educational activities of the charter;

35 (9) the structure of the instruction calendar;

36 (10) an agreement between the chartered school and the

1 local board to pay the chartered school an amount equal to at
2 least 85 percent of the basic revenue of the district in which
3 the chartered school is located for each pupil attending the
4 chartered school full time and to pay a proportionately reduced
5 amount for each pupil attending the chartered school part time;
6 and

7 (11) the names of the members of a charter advisory
8 committee charged by the governing body of the chartered school
9 and the local board to monitor and evaluate the chartered school
10 and made up of two public school educators, three board
11 employees of the entity governed by the local board, and two
12 parents of pupils attending the school.

13 (c) If an application is approved, the contents of the
14 application must be incorporated into the charter governing a
15 school.

16 Subd. 5. [NOTIFICATION TO APPLICANTS; APPEAL.] A local
17 board must notify a chartered school applicant within 90 days of
18 receiving an application to establish and operate a chartered
19 school whether or not the local board will grant a charter to
20 the applicant. A local board must provide a chartered school
21 applicant a written explanation of its reasons for rejecting an
22 application. An applicant may resubmit an amended application
23 after receiving notice of a local board's rejection of its
24 application.

25 Subd. 6. [OPERATION OF A CHARTERED SCHOOL.] The members of
26 the charter team receiving a charter shall establish a governing
27 body to operate the chartered school and provide instruction and
28 educational services to the pupils enrolled in the school. The
29 governing body must include parents of pupils attending the
30 school, public school educators, and community residents. The
31 governing body may adopt rules governing the operation of the
32 school, the content and methods of instruction, and the
33 treatment of school records, and may prescribe textbooks and
34 courses of study for its pupils. The rules must be adopted
35 after publication of, and opportunity for public comment on, the
36 proposed rules. The governing body must establish and provide

1 notice of the organization of the school, disciplinary
2 procedures not inconsistent with the pupil fair dismissal law,
3 sections 127.26 to 127.39, academic standards, methods for
4 evaluating teachers, staff development programs, staffing needs,
5 hiring procedures, and spending priorities.

6 Subd. 7. [DURATION.] The charter shall state the term of
7 its duration which must not exceed seven years. During the
8 final year of the charter, the charter advisory committee shall
9 recommend that the board:

- 10 (1) renew the charter as currently operating;
11 (2) renew the charter with recommended changes; or
12 (3) not renew the charter for specific reasons.

13 Subd. 8. [CHARTER MODIFICATION OR DISSOLUTION.] At any
14 time, the governing bodies of the chartered school and the local
15 board, after consulting with the charter advisory committee, may
16 adopt a resolution to amend or dissolve a charter.

17 Subd. 9. [REVOCATION.] (a) A local board, after consulting
18 with the charter advisory committee, may revoke a charter at any
19 time the board determines that a chartered school has:

- 20 (1) violated a law;
21 (2) violated its charter;
22 (3) mismanaged its affairs;
23 (4) become insolvent;
24 (5) lost its accreditation;
25 (6) shown poor overall pupil performance as measured

26 against learner outcomes previously identified by the chartered
27 school; or

28 (7) in some other manner indicated its inability to provide
29 the pupils attending the chartered school with an education that
30 is at least comparable to the education being provided to other
31 pupils within the school district in which the board is located.

32 (b) Rather than revoke a charter under paragraph (a), the
33 local board, after consulting with the charter advisory
34 committee, may accept a plan by the governing body of the
35 chartered school to remedy in a timely fashion to the
36 satisfaction of the local board the problem that resulted in the

1 determination under paragraph (a).

2 Subd. 10. [ACCREDITATION.] A chartered school within three
3 years of being chartered must meet the accreditation standards
4 of an accrediting body approved by the state board.

5 Subd. 11. [INSURANCE.] The governing body of a chartered
6 school may buy the insurance specified in sections 123.35,
7 subdivision 13, and 123.41. The governing body of a chartered
8 school shall buy insurance to the extent required by chapter 466.

9 Subd. 12. [WAIVER OF RULES.] The state board may waive a
10 board rule for a chartered school if it determines that pupils'
11 learning opportunities would be enhanced by exempting the school
12 from that board rule.

13 Subd. 13. [CHARTERED SCHOOL EDUCATORS.] (a) For the
14 purposes of chapter 179A, the governing body of the chartered
15 school is the employer of the public school educators licensed
16 by the board of teaching or the state board who are working at
17 the chartered school.

18 (b) An employment arrangement between the governing body
19 and the licensed public school educators may be structured to
20 allow a board and the licensed public school educators to:

21 (1) create a new administrative structure for the chartered
22 school;

23 (2) adopt a joint administrative structure with the local
24 board; or

25 (3) retain an existing administrative structure.

26 Subd. 14. [ADDITIONAL CHARTER PROVISIONS.] In addition to
27 fulfilling the requirements of the charter, the governing body
28 of the chartered school must establish:

29 (1) measures making the chartered school accountable to the
30 board for its overall performance in providing outcome-based
31 programs and services;

32 (2) financial arrangements for ensuring the continuous
33 economic viability of the chartered school;

34 (3) use of textbooks, teacher-produced materials,
35 computers, libraries, and media centers;

36 (4) assignments of teachers, aides, clerical staff, and

1 volunteers;

2 (5) outcomes to be achieved during the term of the charter;

3 (6) career development and in-service activities that

4 reflect the curriculum and program needs of the charter; and

5 (7) other arrangements and procedures determined by the

6 local board, after consulting with the charter advisory

7 committee and the governing body of the chartered school, to be

8 necessary to the operation of the chartered school.

9 Subd. 15. [REVENUE.] If a pupil enrolls in a chartered
10 school under this section, the pupil must be counted as a
11 resident in the district in which the chartered school is
12 located. The school district in which the chartered school is
13 located must pay at least 85 percent of the basic revenue of the
14 district to the chartered school for a pupil attending the
15 chartered school. Pupils for whom the district provides payment
16 to a chartered school must not be counted for any purpose other
17 than the computation of basic revenue, according to section
18 124A.22, subdivision 2.

19 Subd. 16. [FACILITIES.] A chartered school must not
20 receive the proceeds of debt service levies or capital
21 expenditure facilities revenue to either acquire land or
22 buildings or to construct buildings. The board may lease or
23 sublease part or all of a school building or other building to
24 the governing body of a chartered school for the use of the
25 chartered school.

26 Subd. 17. [DUTIES AND POWERS OF GOVERNING BODY.] The
27 governing body of a chartered school may exercise all powers and
28 shall carry out all duties established under this section and
29 its charter. Otherwise, the governing body is governed by law
30 applicable to independent school districts except that the
31 charter school must not incur debt and levy taxes.

32 Sec. 17. Minnesota Statutes 1990, section 124.19,
33 subdivision 1, is amended to read:

34 Subdivision 1. [INSTRUCTIONAL TIME.] Every district shall
35 maintain school in session or provide instruction in other
36 districts for at least ~~175~~-days the number of days required in

1 subdivision 1b, not including summer school, or the equivalent
 2 in a district operating a flexible school year program. A
 3 district that holds school for the required minimum number of
 4 days and is otherwise qualified is entitled to state aid as
 5 provided by law. If school is not held for the required minimum
 6 number of days, state aid shall be reduced by the ratio that the
 7 difference between ~~±75~~ the required number of days and the
 8 number of days school is held bears to ~~±75~~ the required number
 9 of days, multiplied by 60 percent of the basic revenue, as
 10 defined in section 124A.22, subdivision 2, of the district for
 11 that year. However, districts maintaining school for fewer than
 12 the required minimum number of days do not lose state aid (1) if
 13 the circumstances causing loss of school days below the required
 14 minimum number of days are beyond the control of the board, (2)
 15 if proper evidence is submitted, and (3) if a good faith attempt
 16 made to make up time lost due to these circumstances. The loss
 17 of school days resulting from a lawful employee strike shall not
 18 be considered a circumstance beyond the control of the board.
 19 Days devoted to meetings authorized or called by the
 20 commissioner may not be included as part of the required minimum
 21 number of days of school. For grades 1 to 12, ~~not-more-than~~
 22 ~~five days may-be~~ devoted to parent-teacher conferences,
 23 teachers' workshops, or other staff development opportunities as
 24 part of the required minimum number of days must not exceed the
 25 difference between the number of days required in subdivision 1b
 26 and the number of instructional days required in subdivision
 27 1b. For kindergarten, ~~not-more-than-ten days may-be~~ devoted to
 28 parent-teacher conferences, teachers' workshops, or other staff
 29 development opportunities as part of the required minimum number
 30 of days must not exceed twice the number of days for grades 1 to
 31 12.

32 Sec. 18. Minnesota Statutes 1990, section 124.19, is
 33 amended by adding a subdivision to read:

34 Subd. 1b. [REQUIRED DAYS.] Each district shall maintain
 35 school in session or provide instruction in other districts for
 36 at least the number of days required for the school years listed