



St. Croix Preparatory Academy
Board Meeting Agenda
September 17, 2024

1. Call to Order	
2. Open Forum	
3. Board Calendar	2
4. Consent Agenda (Board Minutes, Executive Director Report)	
A. Board Minutes	5
B. Executive Director Report	8
C. Governance -- Policies, 1st Reading	11
5. Agenda	
A. 2023-2024 MCA Result Review	28
B. Status of 2024- 2025 School Opening	33
C. Capitalization Policy -- increase from \$2500 to \$5,000	39
D. Succession Planning Committee	40
E. Governance Committee	78
1. Motion to Extend Bob Hajlo's term by one (1) year -- to 08/2026	83
F. Board Training - State Statute 124E	84
G. Board Participation in School Community	
H. Board Retreat	120
6. Adjourn Meeting	



st.croixprep

ANNUAL BOARD CALENDAR 2024-2025

July	Responsible	Notes/Status
Public Hearing on Student Fees	K. Gutierrez	Completed
Family Handbook Approval	J. Gutierrez	Completed
Employee Handbook Approval	K. Gutierrez	Completed

August	Responsible	Notes/Status
Seat New Board Members	B. Hajlo	Completed
Change Cycle Management	Rebar Leadership	Completed
MDE Assurance of Compliance	J. Gutierrez	Completed

September	Responsible	Notes/Status
Status of School Opening	Principals	
Review of MCA Test Scores	J. Gutierrez	
MN State Statute Training	J. Gutierrez	
Emergency Operations Plan Approval	Incident Command	

October	Responsible	Notes/Status
Board Retreat	N. Donnay	

November	Responsible	Notes/Status
Financial Statement Review	K. Gutierrez	
Development Update	K. Gutierrez	
Emergency Operations Plan	Safety Team	
Annual Report Approval – 2022-2023	J. Gutierrez	
World's Best Workforce Approval	J. Gutierrez	
Activities – Fall Overview, Winter Plan	K. Seim	

Minn Stat 124E Training	J. Gutierrez	
-------------------------	--------------	--

December	Responsible	Notes/Status
Audit Acceptance	K. Gutierrez	

January	Responsible	Notes/Status
Board Election Timeframe Discussion	N. Donnay	

February	Responsible	Notes/Status
Financial Statement Review	K. Gutierrez	
Board Election Timeframe Discussion	N. Donnay	
Approve School Calendar	J. Gutierrez	

March	Responsible	Notes/Status
Approve Open Enrollment Period for Next Year	J. Gutierrez	
Approve Board Calendar for Next Year <ul style="list-style-type: none"> • Meetings • Election • Retreat 	Board	

April	Responsible	Notes/Status
Annual Budget Introduction		
Compensation Plan Introduction		

May	Responsible	Notes/Status
Q Comp Report Presentation/Approval	D. Thompson	
Financial Statement Review	K. Gutierrez	
Compensation Plan Approval	T. Smith	
Board Election Update	3 N. Donnay	

Approve Annual Budget	K. Gutierrez	
Approve Employee Handbook	T. Smith	
Introduction of Family Handbook	J. Gutierrez	
MSHSL Membership Resolution	J. Gutierrez	
Conflict of Interest Form Disclosure	K. Gutierrez	

June	Responsible	Notes/Status
Public Hearing on Fees - 2024	K. Gutierrez	
New Board Member Training	N. Donnay	
Read Well by Third Grade Approval	J. Karetov	
Approval of Family Handbook	J. Gutierrez	
Annual Finance Designations for Next Year <ul style="list-style-type: none"> ● Identified Official with Authority ● Official Newspaper ● Designation of Depository ● Account Signatories ● Collateralize Funds in Excess of FDIC Insurance ● Delegation of Authority to Make Electronic Funds Transfers 		

Members Present: R. Hajlo, D. Keyes, N. Donnay, T. Gulbransen, A. Galati, R. Thorson, J. Johnson, D. Smith

Members Absent: M. Stiles

Ex-officio Members Present: J. Gutierrez

Guests: Scott Morell, A. Kleinboehl, A. Sachariason, J. Karetov, M. Thole, P. Kerrigan, K. Seim, T. Smith, S. Peterson, C. Olson, D. Thompson

1. Call to order

- a. R. Hajlo called the meeting to order at 6:05 PM.

2. Open Forum - None

3. [SCPA Board Calendar \(Updated\)](#)

4. Consent Agenda

- a. Board Minutes
 - i. [SCPA Board Minutes - July 16, 2024](#)
 - ii. [SCPA Board Minutes - August 9, 2024](#)
- b. Executive Director
 - i. [Executive Director's Report August 2024](#)
 - ii. [J. Gutierrez Professional Development 2024-2025](#)
- c. Language Access Plan
 - i. [SCPA Language Access Plan](#)
 - ii. [MN Statute 123B.32](#)
- d. Annual Report 2023-2024 - J. Gutierrez
 - i. [SCPA Annual Report 2023-2024](#)
 - ii. [SCPA Administration and Faculty 2023-2024](#)
- e. Governance Policy

- i. [419 Tobacco Free Environment Recommendation to Change](#)
 - ii. [Minn. Stat. § 121A.08](#)
 - iii. [History of Changes to 419 Tobacco Free Environment](#)
 - iv. [419 Tobacco Free Environment Policy August 2024](#)
1. Motion to Approve the Consent Agenda: J. Johnson
 2. Second: T. Gulbransen
 3. Approved: All

5. Agenda

- a. Seating of new board member: Danielle Smith
 - i. Motion to Approve: A. Galati
 - ii. Second: J. Johnson
 - iii. Approved: All
- b. Succession Planning Committee - T. Gulbransen gave an update.
 - i. [SPC Minutes from July 16, 2024](#)
 - ii. [SPC Minutes from August 13, 2024](#)
 - iii. [Executive Director Compensation Comparison Quick View](#)
 - iv. [Executive Director Agreement Structure Comparison](#)
 - v. [Executive Director Job Description Structure Comparison](#)
- c. SCPA Charter School Renewal Information- J. Gutierrez reviewed for the board.
 - i. [Renewal Email Communication](#)
 - ii. [Exhibit F 2020 Contract](#)
 - iii. [2025 Charter Renewal Potential Goal Changes](#)
 - iv. [SCPA Charter School Goals Performance from 2021 to 2024](#)
- d. Change Management Training 2 - Scott Morrell (Rebar Leadership)
- e. Board Retreat Planning - October 12, 2024
 - i. Succession planning

ii. Strategic planning

Adjournment: 8:09 PM

- Motion to adjourn: A. Galati
- Second: J. Johnson
- Approved: All

Respectfully Submitted by A. Galati, St. Croix Preparatory Academy Board Clerk



Executive Director’s Report to the Board

Date of Report: September 2024

Report Prepared By: Jon Gutierrez

Operational Items:

- Succession Planning Work – significant work related to succession planning as noted in committee minutes.
- Governance Work – significant governance work, communication with legal counsel, drafting/approving required policies, assisting committee with their processes, setting up new website content for policies, etc.
- Charter Renewal Agreement – submitted charter renewal application on August 28.
- Development/Foundation work – continued work with consultant on Foundation initiatives – case statement, board development, etc.
- Curriculum Committee. Continued work to establish St. Croix Prep definition of classical, scope and sequence, procedures for curriculum changes, etc.
- Administrator Consulting:
 - Kelly: 1 hour/week (Charter Source); 1 hour/week Seven Hills
 - Jon – n/a
- Start of school planning, speaking at new employee, all faculty and back to school nights, website review/update, monitoring enrollment/attendance for Friends of Education, etc.
- Enrollment information for the 2024-2025 school year, associated wait lists, and applications received for the 2025-2026 school year are:

Grade	2024-25 Enrollment	2024-25 Waitlist	2025-2026 Applications
Kindergarten	90	167	119
1 st Grade	90	97	22
2 nd Grade	90	109	22
3 rd Grade	90	84	31
4 th Grade	90	95	17
LS Total	450	552	285
5 th Grade	93	81	20
6 th Grade	93	119	29
7 th Grade	93	71	13
8 th Grade	93	43	12
MS Total	372	314	74
9 th Grade	103	0	26
10 th Grade	103	0	0

11 th Grade	103	0	2
12 th Grade	86	0	0
US Total	395	0	28
School Total	1,215	866	387

Comments on Enrollment

- Shared Time students
 - 5th grade – 4
 - 6th grade – 2
 - 7th grade – 1
 - 8th grade - 1
- PSEO Grade 10 – 1 Part-time
- PSEO Grade 11 – 8 Part-time; 6 Full time
- PSEO Grade 12 – 11 Part-time; 2 Full time

Professional Development: *See Attachment*



st.croixprep

**J. Gutierrez
Professional Development Plan
2024-2025**

Month	Category	Title	Description/Comments
July 2024	Videos – 6 hours	The Power of Myth, by Joseph Campbell	
	Book	The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness, by Jonathan Haidt	Technology, smart phones, social media, gaming – created kids who have difficulty with friendships, miss rites of passage, are fearful/insecure, seeking approval in a virtual world, and being overprotected in a physical world
	Short Story	Harrison Bergeron, by Kurt Vonnegut	Story about government making everyone equal, the same, by giving “handicaps” to those more gifted and talented. – themes of democracy, government over reach, 10 meritocracy, socialism, etc.
	Lectures (3 hours)	Lectures, analysis and panel discussions on Harrison Bergeron	
	Lectures/Videos (2 hours)	Lectures, videos and analysis on Sir Gawain and the Green Knight	Arthurian fantasy, about chivalry, loyalty, honesty, and sacrifice – Middle Ages
	Book	Bad Therapy: Why the Kids Aren’t Growing Up, by Abigail Shrier	Explains aspects of the mental health crisis and how therapy can undermine the recovery/growth of kids
	Book	Sir Gawain and the Green Knight, translated by J.R.R. Tolkien	
	Movie	The Green Knight – based on Sir Gawain and the Green Knight	
September	Book	A Wrinkle in Time, by Madeleine L’Engle	Curriculum book, but reading it for its adaptation to our school play



**ST. CROIX PREPARATORY ACADEMY
MANDATED REPORTING OF MALTREATMENT of VULNERABLE ADULTS
Policy #415**

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

II. GENERAL STATEMENT OF POLICY

- A. The policy of St. Croix Preparatory Academy (“SCPA”)s is to comply fully with Minnesota Statutes section 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

III. DEFINITIONS

- A. “Abuse” means:
 - 1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in Minnesota Statutes sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in Minnesota Statutes section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in Minnesota Statutes section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in Minnesota Statutes sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.
 - 2. Conduct which is not an accident or therapeutic conduct as defined in Minnesota Statutes section 626.5572 which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota Statutes section 245.825.
 - 3. Any sexual contact or penetration as defined in Minnesota Statutes section 609.341 between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.
 - 4. The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult’s will to perform services for the advantage of another.

Abuse does not include actions specifically excluded by Minnesota Statutes section 626.5572, subdivision 2.



- B. “Caregiver” means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- C. “Common entry point” means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult and designated by the Commissioner of the Minnesota Department of Human Services as the MN Adult Abuse Reporting Center (MAARC).
- D. “Financial Exploitation” means a breach of a fiduciary duty by an actor’s unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor’s failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult’s funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion, or enticement to cause a vulnerable adult to perform services against the vulnerable adult’s will for the profit or advantage of another.
- E. “Immediately” means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
- F. “Mandated reporter” means a professional or professional’s delegate while engaged in education.
- G. “Maltreatment” means the neglect, abuse, or financial exploitation of a vulnerable adult.
- H. “Neglect” means the failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care, or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult’s physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.
- I. Neglect also means the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult’s health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minnesota Statutes section 626.5572 subdivision 17.
- J. “School personnel” means professional employees or their delegates of the charter school engaged in providing health, educational, social, psychological, law enforcement, or other caretaking services of vulnerable adults.
- K. “Vulnerable adult” means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minnesota Statutes chapter 245A, except as excluded under Minnesota Statutes section 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual’s ability to provide adequately for the individual’s own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has an impaired ability to protect the individual’s self from maltreatment.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the common entry point responsible for receiving reports.



- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The report shall, to the extent possible, identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose *not public data*, as defined under Minnesota Statutes section 13.02, to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting, or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against a vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

V. INVESTIGATION

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

VI. DISSEMINATION OF POLICY AND TRAINING

- A. This policy should appear in charter school personnel handbooks as appropriate.
- B. The charter school will develop a method of discussing this policy with employees as appropriate.
- C. This policy should be reviewed at least annually for compliance with state law.

Legal References: Minn. Stat. § 13.02 (Government Data Practices; Definitions)

Minn. Stat. Ch. 245A (Human Services Licensing)

Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)

Minn. Stat. §§ 609.221-609.224 (Assault)

Minn. Stat. § 609.232 (Crimes Against Vulnerable Adults; Definitions)

Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)

Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)



Minn. Stat. § 609.341 (Definitions)

Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)

Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)

Minn. Stat. § 626.5572 (Definitions)

In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

Cross References: MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)

MSBA/MASA Model Policy 211 (Criminal or Civil Action Against Charter School, School Board Member, Employee, or Student)

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)

MSBA/MASA Model Policy 406 (Public and Private Personnel Data)

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

DOCUMENT # 415

ADOPTED BY THE BOARD:

REVISED BY THE BOARD:

EFFECTIVE DATE:



st.croixprep

ST. CROIX PREPARATORY ACADEMY

532 USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH IEPs FROM SCHOOL GROUNDS

I. PURPOSE

This policy is to describe the appropriate use of peace officers and crisis teams to remove, if necessary, a student with an individualized education program (IEP) from school grounds.

II. GENERAL STATEMENT OF POLICY

St. Croix Preparatory Academy (SCPA) is committed to promoting learning environments that are safe for all members of the school community. It further believes that students are the first priority and should be reasonably protected from physical or emotional harm at all school locations and activities.

In general, all students, including those with IEPs, are subject to the terms of SCPA's discipline policy. Building-level administrators have the leadership responsibility to maintain a safe, secure, and orderly educational environment within which learning can occur. Corrective action to discipline a student and/or modify a student's behavior will be taken by staff when a student's behavior violates the SCPA's discipline policy.

If a student with an IEP, hereafter referred to as "the student", engages in conduct which, in the judgment of SCPA personnel, endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, that student may be removed from school grounds in accordance with this policy.

III. DEFINITIONS

- A. "Crisis team" means a group of persons, which may include teachers and non-teaching school personnel, selected by the executive director in each school building who have received crisis intervention training and are

responsible for becoming actively involved in resolving crises. The executive director or designee shall serve as the leader of the crisis team.

- B. "Emergency" means a situation where immediate intervention is needed to protect the student or other individual from physical injury.
- C. "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Board of Peace Officer Standards and Training, charged with the prevention and detection of crime and the enforcement of general criminal laws of the state and who has the full power of arrest. The term "peace officer" includes a person who serves as a sheriff, a deputy sheriff, a police officer, or a state patrol trooper.
- D. "Physical holding" means physical intervention intended to hold the student immobile or limit the student's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of the student in order to protect the student or other individual from physical injury.
- E. The phrase "remove the student from school grounds" is the act of securing the student and escorting that student from the school building or school activity at which the student is located.
- F. "Student with an IEP" or "the student" means a student who is eligible to receive special education and related services pursuant to the terms of an IEP or an individual interagency intervention plan (IIIP).
- G. All other terms and phrases used in this policy shall be defined in accordance with applicable state and federal law or ordinary and customary usage.

IV. REMOVAL OF STUDENT WITH IEPs FROM SCHOOL GROUNDS

- A. Removal by Crisis Team

If the behavior of the student escalates to the point where the student's behavior endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, SCPA's crisis team may be summoned. The crisis team may attempt to de-escalate the student's behavior by means including, but not limited to, those described in the student's IEP and/or behavior intervention plan. When such measures fail, or when the crisis team determines that the student's behavior continues to endanger or may endanger the health, safety, or property of the student, other students, staff members, or school property, the crisis team may remove the student from school grounds.

If the student's behavior cannot be safely managed, school personnel may immediately request assistance from a peace officer.

B. Removal by a Peace Officer

If the student engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, SCPA's crisis team, executive director, or the executive director's designee, may request that a peace officer remove the student from school grounds.

If the student is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of the executive director or school staff person during the school day twice in a 30-day period, the student's IEP team must meet to determine if the student's IEP is adequate or if additional evaluation is needed.

Whether or not the student engages in conduct which endangers or may endanger the health, safety, or property of the student, other students, staff members, or school property, SCPA personnel may report a crime committed by a student with an IEP to appropriate authorities. If SCPA personnel reports a crime committed by a student with an IEP, school personnel shall transmit copies of the special education and disciplinary records of the student for consideration by appropriate authorities to whom it reports the crime, to the extent that the transmission is permitted by the

Family Education Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act, and charter school's policy, Protection and Privacy of Pupil Records.

Commented [1]: NOTE: If the charter school uses a different reference name for its student records policy, insert that name in place of the reference to Protection and Privacy of Pupil Records, which is the title of MSBA/MASA Model Policy 515.

The fact that the student is covered by special education law does not prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by the student.

C. Reasonable Force Permitted

1. In removing the student from school grounds, the executive director, other crisis team members, peace officer, or other agents of SCPA, whether or not members of a crisis team, may use reasonable force when it is necessary under the circumstances to correct or restrain the student or prevent bodily harm or death to another.
2. In removing the student from school grounds, peace officers and SCPA personnel are further prohibited from engaging in the following conduct:
 - a. Corporal punishment prohibited by Minnesota Statutes, section 121A.58;
 - b. Requiring the student to assume and maintain a specified physical position, activity, or posture that induces physical pain;
 - c. Totally or partially restricting the student's senses as punishment;
 - d. Denying or restricting the student's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the student's functioning

except when temporarily removing the equipment or device is needed to prevent injury to the student or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the student as soon as possible;

- e. Interacting with the student in a manner that constitutes sexual abuse, neglect, or physical abuse under Minnesota Statutes, Chapter 260E;
 - f. Physical holding (as defined above and in Minnesota Statutes, section 125A.0941) that restricts or impairs the student's ability to breathe, restricts or impairs the student's ability to communicate distress, places pressure or weight on the student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling the student's torso;
 - g. Withholding regularly scheduled meals or water; and/or
 - h. Denying the student access to toilet facilities.
3. Any reasonable force used under Minnesota Statutes, sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Minnesota Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.

D. Parental Notification

The executive director or designee shall make reasonable efforts to notify the student's parent or guardian of the student's removal from school grounds as soon as possible following the removal.

E. Continued Removals; Review of IEP

Continued and repeated use of the removal process described herein must be reviewed in the development of the individual student's IEP or IIP.

F. Effect of Policy in an Emergency; Use of Restrictive Procedures

The student may be removed in accordance with this policy regardless of whether the student's conduct would create an emergency.

If SCPA seeks to remove the student from school grounds under this policy due to behaviors that constitute an emergency and the student's IEP, IIP, or behavior intervention plan authorizes the use of one or more restrictive procedures, the crisis team may employ those restrictive procedures, in addition to any reasonable force that may be necessary, to facilitate the student's removal from school grounds, as long as the crisis team members who are implementing the restrictive procedures have received the training required by Minnesota Statutes, section 125A.0942, subdivision 5, and otherwise comply with the requirements of section 125A.0942.

G. Reporting to the Minnesota Department of Education (MDE)

Annually, stakeholders may recommend, as necessary, to the Commissioner of MDE (Commissioner) specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Commissioner must submit to the Legislature a report on charter schools' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. By January 15, April 15, July 15, and October 15 of each year, charter schools must report, in a form and manner determined by the Commissioner, about individual students who have been secluded. By July 15 each year, charter schools must report summary data. The summary data must include information on the use of restrictive procedures for the prior school year, July 1 through June 30, including the use of reasonable

force by school personnel that is consistent with the definition of physical holding or seclusion of a child with a disability.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. §§ 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)
Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 121A.67 (Removal by Police Officer)
Minn. Stat. §§ 125A.094-125A.0942 (Restrictive Procedures for Children with Disabilities)
Minn. Stat. § 609.06 (Authorized Use of Force)
Minn. Stat. § 609.379 (Permitted Actions)
Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)
20 U.S.C. § 1232g et seq. (Family Educational Rights and Privacy (FERPA))
20 U.S.C. § 1415(k)(6) (Individuals with Disabilities Education Act)
34 C.F.R. § 300.535 (Referral to and Action by Law Enforcement and Judicial Authorities)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 507 (Corporal Punishment and Prone Restraint)
MSBA/MASA Model Policy 507.5 (School Resource Officers)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 525 (Violence Prevention)
MSBA/MASA Model Policy 806 (Crisis Management Policy)

**USE OF PEACE OFFICERS AND CRISIS TEAMS TO REMOVE STUDENTS WITH
IEPs FROM SCHOOL GROUNDS 532**

ADOPTED BY THE BOARD:

REVISED BY THE BOARD:

EFFECTIVE DATE:



ST. CROIX PREPARATORY ACADEMY

#417 Chemical Use and Abuse Policy

I. PURPOSE

St. Croix Preparatory Academy (“SCPA”) recognizes that chemical use and abuse constitutes a threat to the physical and mental well-being of students and employees and significantly impedes the learning process. The purpose of this policy is to assist SCPA in its goal to prevent chemical use and abuse.

II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substance, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. SCPA shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement.
- C. SCPA is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.

III. DEFINITIONS

- A. “Chemical abuse,” as applied to students, means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the minor’s normal function in academic, school, or social activities is chronically impaired.
- B. “Controlled substances,” as applied to the chemical abuse assessment of

students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and “marijuana” as defined in Minnesota Statutes section 152.01, subdivision 9 but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, “controlled substances” include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code section 812, including analogues and look-alike drugs.

- C. “Drug prevention” means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.
- D. “Teacher” means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

IV. STUDENTS

- A. School Discipline Policy
 - 1. Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the district wide school student discipline policy.
- B. Programs and Activities
 - 1. SCPA shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include drug prevention activities and programs that may be evidence based, including programs to educate

students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes.

C. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance

1. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify a school administrator or staff member of this information.
2. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals may be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes section 121A.40-121A.56,
3. Searches by school district officials in connection with the use, possession, or transfer of alcohol or a controlled substance will be conducted in accordance with school board policies related to search and seizure.
4. Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

E. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minnesota Statutes section 13.32 and applicable federal law and regulations.
2. Destruction of Records
 - a. If SCPA decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.

- b. If SCPA decides to provide the student and, in the case of a minor or a dependent student, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.
- c. Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding Minnesota Statutes section 138.163 (Preservation and Disposal of Public Records).

F. Consent

- 1. Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

V. EMPLOYEES

A. The school district may inform employees about:

- 1. The dangers of drug abuse in the workplace.
- 2. The school district's policy of maintaining a drug-free workplace.
- 3. Available drug counseling, rehabilitation, and employee assistance programs.
- 4. The penalties that may be imposed on employees for drug abuse violations.

B. The school district shall notify a federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statute conviction occurring in the workplace.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 124D.695 (Approved Recovery Program Funding)
Minn. Stat. § 126C.44 (Safe Schools Levy)
Minn. Stat. § 138.163 (Preservation and Disposal of Public Records)
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)
Minn. Stat. § 152.22 (Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
Minn. Stat. § 299A.33 (DARE Program)
Minn. Stat. § 466.07, subd. 1 (Indemnification Required)
Minn. Stat. § 609.101, subd. 3(e) (Controlled Substance Offenses; Minimum Fines)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. §§ 7101-7122 (Student Support and Academic Enrichment Grants)
20 U.S.C. § 5812 (National Education Goals)
20 U.S.C. § 7175 (Local Activities)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)
MSBA/MASA Model Policy 419 (Tobacco-Free Environment; Possession and Use of Tobacco, Tobacco-Related Devices, and Electronic Delivery Devices; Vaping Awareness and Prevention Instruction)
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

Chemical Use and Abuse Policy 417

ADOPTED BY THE BOARD:

REVISED BY THE BOARD:

EFFECTIVE DATE:



August 29, 2024

Ms. Beth Topoluk
 FRIENDS OF EDUCATION
 11100 Wayzata Blvd; Suite 800
 Minnetonka, MN 55305

Dear Ms. Topoluk,

This communication is a follow-up note on 2023-2024 MCA results that were released in late on August 29. In addition to the MCA proficiency scores, we have included our School and the State's participation rates, where appropriate.

2023-2024 Overall School Proficiency and Participation in Comparison to MN State Average

	Math Score	Reading Score	Science Score	Math Participation	Reading Participation	Science Participation
Prep – ALL SCHOOL	77.6	81.0	68.3	97.2	96.2	95.5
State Average	45.5	49.9	39.6	92.9	94.7	88.5
Difference	32.1	31.1	28.7	4.3	1.5	7.0

	Math Score	Reading Score	Science Score	Math Participation	Reading Participation	Science Participation
Prep – Lower School	93.3	79.2	n/a	98.4	97.8	n/a
Prep – Middle School	72.8	82.0	68.9	97.3	96.8	97.8
State Average	45.5	49.9	39.6	92.9	94.7	88.5

	Math Score	Reading Score	Science Score	Math Participation	Reading Participation	Science Participation
Prep – Upper School	65.0	80.2	67.4	94.3	90.4	90.2
State Average	45.5	49.9	39.6	73.2	84.1	75.8

Academic & Non-Academic Outcomes/Goals per Charter Agreement

St. Croix Preparatory Academy's progress toward achieving goals per our charter agreement (Exhibit F) are noted below:

Goal 1: State Assessment, Sub Goal 1.1: Absolute Proficiency

At the conclusion of FY2024, the School's third grade reading proficiency rate will be no less than 25 percentage points higher than the state average reading proficiency rate for all third grade students.

Reading	Prep Score	State Score	Difference
Grade 3	80.2	46.5	33.7

All-School: Each year, the School-wide proficiency rates will be no less than 20 percentage points higher than the state proficiency rate for all students in math and no less than 23 percentage points higher than the state proficiency rate for all students in reading.

		Math Score	Reading Score	Science Score
Prep – ALL SCHOOL		77.6	81.0	68.3
State Average		45.5	49.9	39.6
Difference		32.1	31.1	28.7

Goal 1.2: Comparative Proficiency

Each year, the School-wide proficiency rates will be no less than 10 percentage points higher than the Stillwater school district proficiency rate for all students in each reading, math, and science, and will exceed either the Edina, Orono, or Wayzata school districts for each reading, math, and science.

		Math	Reading	Science
Prep – ALL SCHOOL		77.6	81.0	68.3
Stillwater		57.9	58.7	52.4
Difference		19.7	22.3	15.9
Orono		70.2	71.4	57.3
Wayzata		75.4	72.8	61.4
Edina		71.7	75.4	66.5

Goal 1.4: Achievement Gap Reduction

Each year, for each reading and math, the proficiency rate for each racial or economic subgroup, for which the School had publicly-reportable/sufficient counts, will exceed state proficiency rates for the subgroup by no less than 25 percentage points.

		Prep Score	State Score	Difference
Hispanic/Latino Reading		79.3	28.7	50.6
Hispanic/Latino Math		59.1	22.4	36.7
Asian Reading		82.6	44.6	38.0
Asian Math		75.3	43.2	32.1
Black/African American Reading		75.9	31.1	44.8
Black/African American Math		65.5	21.9	43.6
White Reading		81.0	58.7	22.3
White Math		79.3	55.6	23.7
Two or More Races Reading		76.2	50.4	25.8
Two or More Races Math		77.3	43.5	33.8
Special Education Reading		54.8	25.5	29.3
Special Education Math		52.9	24.7	28.2
English Learners Reading		36.4	10.2	26.2
English Learners Math		36.4	12.5	23.9
Free & Reduced Lunch Reading		72.8	33.4	39.4
Free & Reduced Lunch Math		65.0	27.0	38.0

Note: The ELL subgroup only has 11 students.

We will continue with our analysis and look for ways to increase performance. Once again, we believe this scores are a testimony to the entire school community and its commitment to the mission of St. Croix Prep.

Sincerely,

Jon Gutierrez
Executive Director
St. Croix Preparatory Academy



ST. CROIX PREPARATORY ACADEMY BOARD GOALS

I. KEY MISSION & OPERATIONAL GOALS

- Maintain emphasis on mission statement
- Maintain classical emphasis
- Annual student retention of 95%
- Annual employee retention of 90%
- Maintain communication protocol
- Maintain culture
- Wait list > 700
- Mission and classical emphasis means:
 - Adherence to Riggs phonics, core knowledge curriculum, Latin, classical literature. Logic, college prep, etc.
 - Careful and delayed evaluation, and even avoidance of latest educational and societal trends (e.g. project based learning, no homework, no retention/accountability, social emotional learning, instruction on race-gender-politically divisive issues, etc.) – See Trivium, Hype Cycle.

II. FINANCIAL GOALS

- 25% Fund Balance (2011 Board adopted policy states 20-22%)
- 73%-74% Salaries/Benefits of total budget
- Clean audit
- Compliance with bond covenants
 - Days cash on hand -- > 60
 - Debt Service Coverage Ratio - > 1.1
- Wait list > 700

III. EDUCATIONAL GOALS (Annual)

- School's 3rd Grade reading proficiency > MN 3rd grade reading proficiency by at least 25 percentage points
- School's reading proficiency > MN reading proficiency by at least 23 percentage points
- School's math proficiency > MN math proficiency by at least 20 percentage points
- School's math, reading, and science proficiency rates > Stillwater's math, reading, and math proficiency rates by at least 10 percentage points
- School's math, reading, and science proficiency rates > either Edina, Wayzata, or Orono school district.
- School's reading and math proficiency for each racial or economic subgroup > MN proficiency rates for each subgroup by at least 25 percentage points
- School will administer a nationally-normed assessment in at least two grades (Middle School and/or Upper School), and more than 50% of the students will exceed the national average.
- Each year, at least 90% of graduating School students will have taken either the ACT or SAT, and a minimum of 70% of those students will exceed the state-average score.
- Each year, a minimum of 50% of School students in grades 9-12 will take an Advanced Placement course, and at least 80% of those students will receive a grade of C or better.
- Each year, a minimum of 50% of School students in grades 9-12 will have taken an Advanced Placement test and at least 75% of those students will achieve a minimum score of 3.
- Each year, 95% of all the School's kindergarten students continuously enrolled since the first day of school will be able to
 - Generate all sounds of the first 26 phonograms (letters a-z) by the end of Quarter 2



- Count to 32 by December 15, and
- Identify all 26 upper and lower case letters by May 15
- Each year, at least 90% of 12th grade students will graduate.
- Each year, at least 90% of 12th grade students will be accepted to a post-secondary educational institution
- School Digger – Rank in top 5 schools in Minnesota

IV. FOUNDATION GOALS

- Build a Comprehensive Case for Support
- Determine Strategy for Increasing Membership on the Board
- Establish an Integrated Annual Giving Program
- Identify, Cultivate and Steward Major Gift Prospects and Donors
- Create Donor-Centered Stewardship Plan
- Establish/Name Legacy Giving Society
- Hire Development Director/Executive Director of the Foundation

V. LONG TERM STRATEGIC GOALS

- Evaluate expansion/replication every five years
- Increase teacher compensation
- Proactive professional development to ensure administrative succession planning
- Proactive planning to ensure to ensure board succession planning



Student Support Services Report to the Board

Date of Report: September 2024

Report Prepared By: Peggy Rosell

Recent Operational Items:

- Current Special Education count – 185; New evaluations - 5
- Current 504 Plan count – 33; New 504 evaluations – 9
- Current EL (English Learner) count – 20
- Held a paraprofessional training meeting on August 14th (5.5 hours) (MN statute requires a minimum of 8 hours per school year)
- Onboarded new staff: 2 SpEd teachers and a (long-term sub) Occupational Therapist in the LS; 1 Occupational Therapist at the Middle/Upper School; 1 SpEd Administrative Assistant; 3 SpEd paraprofessionals
- Year 2 of ADSIS (Alternative Delivery of Specialized Instructional Services) - reading and math interventions in the Lower School and reading interventions in the Middle School.
- Special education and 504 plan meetings are starting to ramp up.
- Team meetings with division level SpEd teams, counselors, nurse, and EL teacher.
- SpEd Division meeting – 9/12/2024
- Held goal-setting meetings (in collaboration with the Teaching and Learning Coordinators) with SpEd staff, Counselors, the School Nurse, and the EL Teacher
- Ongoing participation on the Succession Planning Committee and subcommittee
- Responded to parent inquiries about Special Education &/or 504 Plan evaluations
- Attended a full-day training with Dr. Ross Greene in Collaborative & Proactive Solutions to addressing student behaviors.
- Participated in MDE SpEd fiscal training webinars

Upcoming Events:

- End of year ADSIS report due 9/20/24
- Next SpEd Division Meeting, 10/10/24
- Due Process Paperwork Night, 11/6/24 – 4:00-7:00 p.m.
- ADSIS Training/Webinar 9/19/24
- 504 Plan Update meetings with MS and US teams, monthly
- Special Education Parent Advisory Council – date TBD

Goals & Challenges:

- Staffing: Need to fill 1 SpEd teaching position at the Middle School level and need at least 1 more paraprofessional at the LS level.
- Unable to hire a SpEd licensed long-term sub for a LS teacher – the other teachers are splitting her students.



st.croixprep

Upper School Principal Report to the Board

Date of Report: September 2024

Report Prepared By: Andrew Sachariason

Recent Operational Items:

- Preparation and planning for school kickoff, which includes Back to School nights, presentation to new employees, presentation to returning employees, discussions administration on various planning, policy, and expectations.
- Onboarding new Students and Families
- Onboarding new exchange students & host families
- Preparation New Family Orientation
- Student Council Go Green Uniform sale logistics
- Student Council leadership planning meetings
- Homecoming Preparation
- Scheduling and course balancing
- Eye exam - new glasses
- Exchange Student meet up at State Fair - very busy, would not call it a success
- SPC meetings and preparation
- Fire Drill Schedule for SY2025
- Parenting in general
- Parent Pick Up logistics

Upcoming Events:

- Preparation Senior Retreat
- Preparation New Family Orientation
- Student Council Go Green Uniform sale logistics
- Student Council leadership planning meetings
- Homecoming Preparation
- Enrollment Budget w/ Kelly - ongoing
-

Goals & Challenges:

- Preparation math replacement for Varsha Bhatia
- Monitoring Enrollment and impact on budget



Middle School Principal Report to the Board

Date of Report: September 2024

Report Prepared By: Amy Kleinboehl

Recent Operational Items:

- Onboarded 1 new staff member
- We had 23 new students join us this year.
- Organized 5th-grade orientation for students and parents, included new families
- Changed advisory on Wednesdays to focus on monthly character trait and then an academic focus. .
- Held MS Orientation for $\frac{5}{8}$ and $\frac{7}{8}$ graders. Among the many things I spoke about, the two things I told students I hope they remember is that I have two main rules when it comes to school. 1)Everyone needs to feel safe. 2)No one is allowed to disrupt the learning of others
- Led division meetings during PD week
- Met with all teachers to create goals for this year (Instructional and professional)

Upcoming Events:

- Oct 4th is Mid-Quarter/Homecoming
- Violence Prevention Training
- Monthly Division meetings
- Fire/ALICE Drills
- Bi-weekly student support services meeting
- Bi-weekly middle school leadership meetings
- Bi-weekly middle school character ed/advisory meetings
- Monthly Child Study Meetings

Goals & Challenges:

- Continue to improve our reading intervention support. We added one teacher as additional support for this class.
- Teachers who are participating in the Read Act/Careall training this year will be built into PLC time, but still time consuming.
- Consistency of MS policies throughout the division
 - Focus on the first/last five minutes.
- Support new teachers in consistent procedures
- Continue to analyze and capture the curriculum being taught in MS



Lower School Principal Report to the Board

Date of Report: September 2024

Report Prepared By: Joann Karetov

Recent Operational Items:

- Preparation and planning for school kickoff, which includes Back to School nights, presentation to new employees, presentation to returning employees, preparing documents, EA meeting, etc.
- 2 Division meetings.
- 3rd year of Prep for Success Conferences. Again, well-received by the majority of parents and teachers as we prepared students to start school, assessed them in reading and/or math, and connected with the families.
- Multiple communications with University of Chicago re: STEP.
- Interviewed and hired all classroom gen ed EAs and teachers to be fully staffed in the LS gen ed programming.
- Individual teacher goal meetings on 9/12 (did with LS TLC for first time).
- Updated student goal sheets. Will do Quarter 3 check-ins with all students.
- Buddies with US and MS planning. First date is Wednesday, September 18.
- Boo Hoo Yahoo Breakfast on first day of school for kindergarten parents.
- Paw Print 9/10.
- Parent meetings regarding student academics and behaviors
- Bus situations/investigations
- First fire drill 9/4.
- 3rd/4th grade Planner/student handbook meeting in PAC on Friday, 9/6.
- Daily welcoming of students and lunch duty.
- Picture day 9/10.
- READ Act (CAREIALL) training – attended kick-off Zoom and completed module 1 (approximately 20 hours so far).
- Curriculum reviews – new Core Knowledge Sequence last year

Upcoming Events:

- Division meetings (monthly)
- Marathon 9/27
- Bi-Weekly meetings with LS leadership team
- Weekly meetings for child study will begin on 9/24.
- EA meeting 9/18.
- LS Character assembly - quarterly.
- 1st Lion Pride Breakfast 10/4/2023.
- READ Act/CAREIALL – a lot of time - will be the focus this year.

Goals:

- Continued curriculum/classical reviews.
- Improve the number of students' skills in reading and math standards (continue data collection and reviews)
- (From last year) - start School of Character work for future application (after READ Act requirements).
- Personal goal: Work/life balance – with a Prep senior this year.



ST. CROIX PREPARATORY ACADEMY CAPITAL ASSETS CAPITALIZATION POLICY Policy #SCPA-704

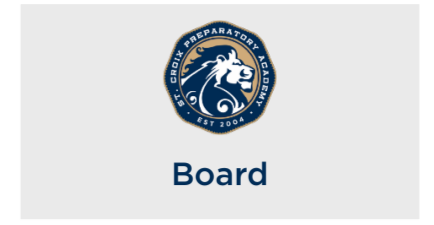
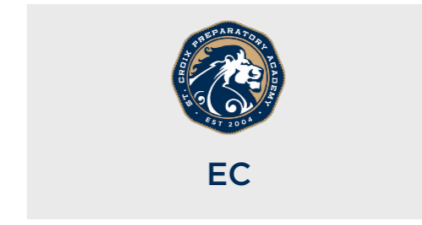
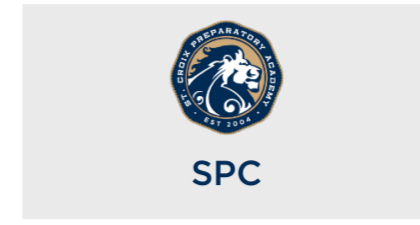
I. PURPOSE

The purpose of this policy is to ensure proper financial reporting for capital assets. This policy outlines the steps involved in the process in determining which expenditures would be considered to be a capital expenditure that would be considered a capital asset.

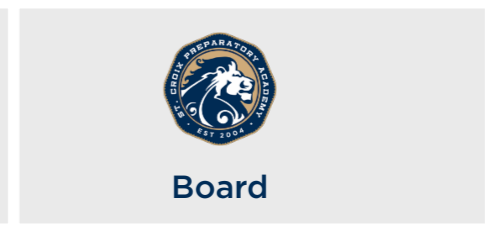
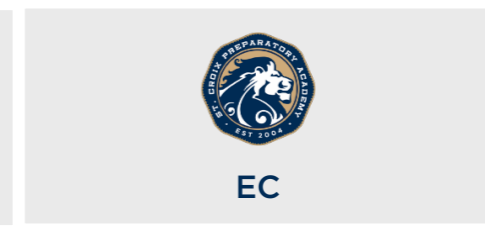
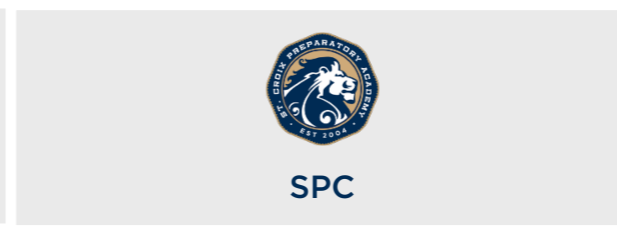
II. POLICY

The School considers any expenditure, which are capital in nature, with an individual initial cost of more than \$2,500, and an estimated useful life in excess of one year, to be a capitalized asset. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Where applicable, assets purchased together and for a common purpose should be grouped and capitalized as one asset. Donated capital assets are recorded at estimated fair market value at the date of donation. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Capital assets are depreciated using the straight-line method over its estimated useful life.

DOCUMENT # 427.Revision.a
ADOPTED BY THE BOARD: 09/2004
REVISED BY THE BOARD: 06/27/2023
EFFECTIVE DATE: 06/27/2023



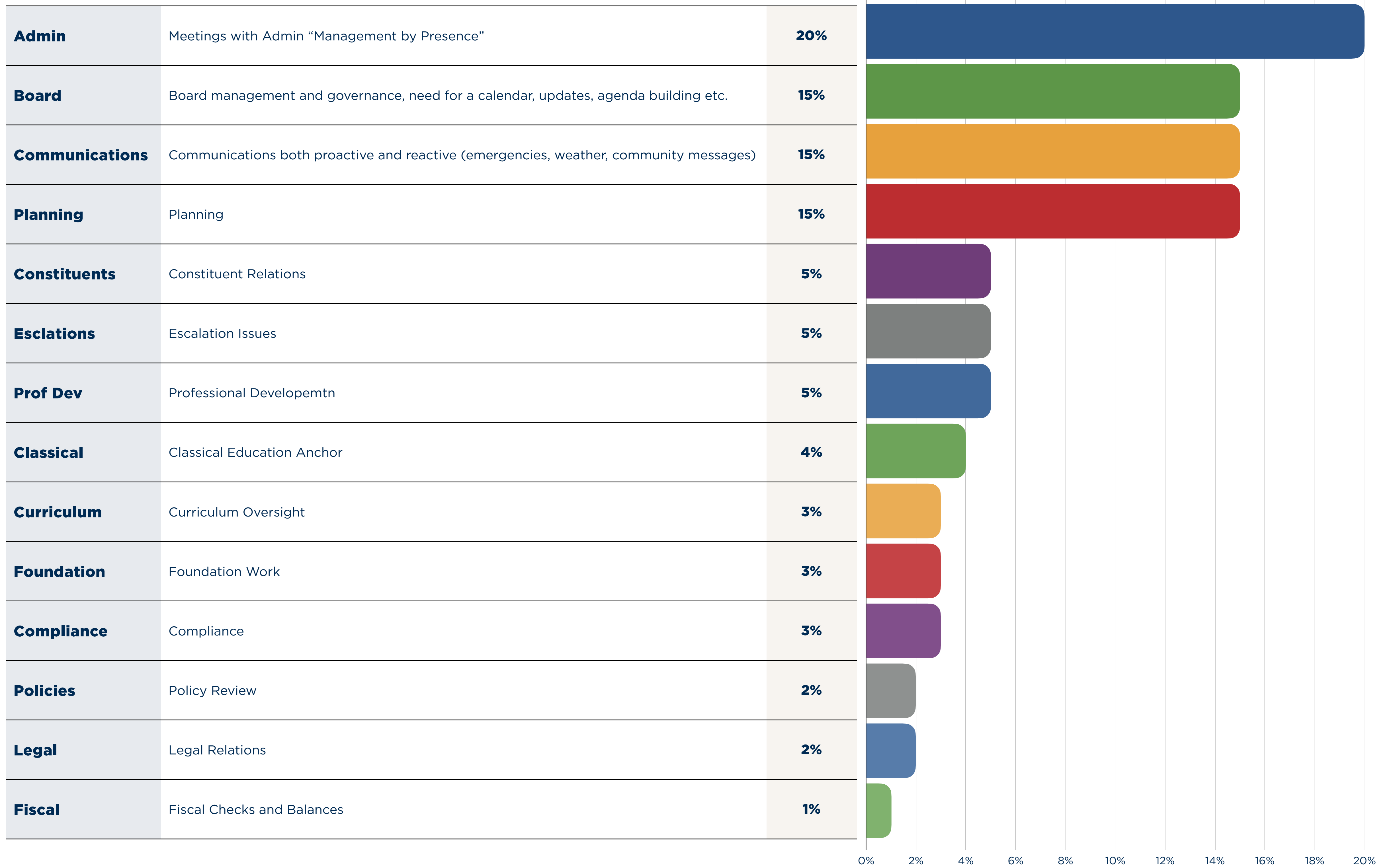
Planning					
July 2023	ED Position Study		Commission a committee to study the executive director position.	Time study in progress	
October 2023	Stakeholder Input		October Retreat, Staff and Parent Focus Groups	October Retreat, Staff and Parent Focus Groups	
	Board Training			View Sartell Training	
	Communicate Process to Stakeholders			Ongoing throughout the process	
March 2024	Board Effectiveness Survey		To measure the board's self-evaluation and readiness for the next chapter of SCPA. Facilitate discussion at March board meeting.		
April/May 2024	Communicate Process to Stakeholders			Ongoing throughout the process	
June 2024	Search Timeline	Conduct an initial planning meeting with the Board of Directors to establish the search timeline.		Identify timelines for search.	
June 7, 2024	Change Cycle Training Part 1		To equip the organization for planned change.		
July 2024	Website Communications			Build web page for public communication of succession plan - GO LIVE AUGUST	
	Begin Compensation and Benefits Data Requests			Charter and Public school data request for contracts and benefits	
Aug 2024	Begin ED job description refinement with time-study.			Review job description based on data gathered and current approved job description..	
	Change Cycle Training Part 2		To equip the organization for planned change. Ensure alignment with market and search efforts in 2025.		
	Determine Hiring Criteria	Begin discussion of hiring criteria and stakeholder involvement, identify the district's position in the marketplace, determine advertising venues, and finalize all processes and procedures for conducting the search.			
	Website Communications			Go live with Succession plan web page	
	Retirement Announcement to School Community				Board announcement via School communication channels
	Time Study		Receive Time Study Results		
	Differentiate Search Process			Internal search vs external search. Keep same.	
	Survey of SPC and Board	Survey to determine hiring criteria for ED			
Sept 2024	Communicate succession efforts and the plan			Transparency and confidence building.	
	Complete ED job description refinement with time-study.			Tighten up job description based on data gathered and discussed. Is legal counsel needed to review changes? Reassign tasks out of scope.	
	Complete Compensation and Benefits Analysis			Review charter and public school data requests to provide recommendation to school board.	
Oct/Nov 2024	Candidate Submission Materials			Identify candidate submission materials (resume, leadership philosophy statement, prescribed Q: A, etc.)	
	Job Description, Compensation, Benefits Recommendations Approved by Board			Submit Job Description, Compensation, Benefits based on sub-committee work.	
	Determine Hiring Criteria	Complete discussion of hiring criteria and stakeholder involvement, identify the district's position in the marketplace, determine advertising venues, and finalize all processes and procedures for conducting the search.			
	Survey of SPC and Board	Review survey results			
	Document Design			Design Interview Questions, Matrix for Candidates and Interview Comparison	
	Vacancy Announcement	Develop a two-sided color vacancy announcement and post on both statewide and national job sites.			
	Retirement Press Release			Press release Jon's retirement. Decide release format, date, reach. Press release announcing official search for successor	
	Applications Procedures/Workflow	Develop all application procedures, handle applicants' calls and correspondence, collect and review applicants' files, and receive applicants' credentials.			
	Communicate Process to Stakeholders			Ongoing throughout the process	
TBD	Online Q&A for Staff/Community			Ongoing throughout the process	
Posting					
Dec 2024/Jan 2025	Posting	Directly contact Superintendents, Assistant Superintendents, Service Cooperative Directors, Charter School Directors, Principals, Assistant Principals, and Cabinet members across the state to inform them of the vacancy and application procedures. Also post in Revelus through the national NASS network.			
Pre-Interview					
Jan/Feb 2025	Screen Candidates	Screen the applicant pool against the Board of Directors's hiring criteria and leadership profile.		Screen candidates in applicant pool.	
	Verify Candidate References			Conduct preliminary verification of references and pre-interviews and vetting of applicants who best meet the Board of Directors's hiring criteria as determined by SPC	
	Board - Present Finalists for Interviews			SPC - Conduct a meeting with the Board of Directors for purposes of presenting candidate recommendations so the Board of Directors can select finalists for interviews, and clarifying remaining steps of the search process. * *	



Screening Interview						
Jan/Feb 2025	1st Interview Invitation			Invite candidates for first round interview.		
	1st Interview Set-up			Set up interviews (virtual/onsite).		
	1st Interview Logistics			Act on all first-round interview logistics. Dates, times, transportation needs, meals, interview reserved rooms, interview SCPA participants, interview questions, recording interviews.		
	1st INTERVIEW					
	1st Interview Candidate Follow-up			Follow up with each candidate on their experience and further questions or concerns.		
	1st Interview stakeholders Follow-up			Follow up with SCPA stakeholders on their experience with the candidates that interviewed, and further questions or concerns about each candidate.		
	Background Screening			Facilitate background screening by "Trusted Employees" screening company		
	Narrow Pool			Narrow pool for second round interviews.		
	Recommendation to Board			SPC		
Interview with Board						
Feb/March 2025	Finalist Press Release			Prepare a communications piece for the district to send to the media, school district staff, and community that includes the names of the finalists who will be interviewed.		
	"Meet the Candidates" Public Gathering					Conduct "Town Hall" forum with teachers, parents, alum.
	2nd Interview					Schedule and conduct second round interviews.
	Gather Open Forum Feedback			Gather open forum feedback.		
Hiring						
	Recommendation to Board			SPC makes recommendation to Board.		
	Board - Decide Finalist					Board discusses, debates, and decides on finalist.
	Offer Letter			Offer letter is made to finalist.		
March 2025	Negotiations				Finalist negotiations.	
	Acceptance					Candidate acceptance.
	Communication of New ED			Prepare a communications piece for the district to send to the media, school district staff, and community introducing the new Executive Director.		
	Communicate Process to Stakeholders			Ongoing throughout the process		
July 1	Start Date					
Post-Hiring						
	Develop Transition Plan for ED			Assist in developing a transition plan for the new Executive Director. - TBD		
	Visitation of new ED			Visit the new Executive Director during their first year of employment. (in-district meetings, if possible.)		
	Board Training - Goals for ED			Facilitate a post-hiring workshop to develop goals and/or expectations for the Board of Directors and Executive Director after the new Executive Director begins work in the school district. (virtual meetings; however, at the Board's request in-district meetings may be substituted for an additional \$300 per meeting)		



Executive Director Time Study Data





Members Present: K. Gutierrez, T. Smith, C. Olson, P. Rosell, R. Thorson, N. Donnay, T. Gulbransen, J. Gutierrez, A. Sachariason

Members Absent: B. Hajlo

Ex-officio Members Present:

Guests: [Scott Morrell](#)- Rebar Leadership (08/28/2024)

Meeting began at 8:05 am on both dates

Rebar Leadership Time Study (08/24/2024 ONLY)

- On August 28, 2024 Scott from Rebar met virtually with the SPC and reviewed the results of the time study completed by Jon.
- Results of the time study are being used to guide the job description writing process to help identify the essential qualifications, skills and experiences.
- Time Study graph created by Chad attached.
- Scott offered additional training to the board and leadership team on communication during change. Nicole sent out a Doodle survey of dates to do this training.

MSBA Update:

- Amy from MSBA sent out a survey to the Board and Administration. The survey uses 26 topics and narrows down those topics to the top 6 to use to help guide the ED search criteria.
- Information gathered from our work with Rebar Leadership to the search criteria as well.
- SPC will be meeting with MSBA on October 7th to review the results of the survey
- No new updates from the August meeting, waiting on results from the survey.

Hiring Criteria and Job Description: Discussion around the timeline included:

- Work on the draft job description continues by a sub-group and will be presented in October at the retreat.

Interview Process: Discussion around Interview timeline and process included:

- Retreat activity discussed where members of the board and leadership will provide feedback on potential interview questions, large group and small group activities. Retreat agenda ideas to be discussed by Exec. Committee.
- Pre-reading activities for retreat to be presented to the Exec. Committee.
- Board roles in answering questions from candidates. More work to come on potentially assigning topics of questions to specific board members to be responsible for answering at final interviews (e.g. strategic planning, finances, classical education, etc.).
- For further discussion: Materials to give candidates when invited to interviews and mock interviews for board preparation.

Communication: Discussion around the timeline and website included:

- No new updates

Compensation and Benefits:

- A smaller sub-group of Kelly G, Rita T, and Chad O, will continue to analyze the data further to identify a compensation range to be included in the job posting as well as outlining a draft agreement structure to be presented to the board in October.

Both meetings ended around 9:10 am

Submitted by T. Gulbransen, St. Croix Preparatory Academy



Where School Boards Learn to Lead



Hiring the Right Superintendent

Leadership Matters



Hiring the Right Superintendent

Table of Contents

Beginning the Search	1	Sample Reference Check Form	17
Search Timeline	2	Making the Choice	18
Sample Hiring Criteria	3	Sample Site Visit Questions	19
Internal Applicants	4	Deliberating in Public	20
The Search and the Media	6	The Employment Contract and Retention	21
Sample Applicant Screening Form	7	Board-Superintendent Relationship	22
The Interview	8	Sample Vacancy Announcements	24
Sample Interview Questions	9	Sample Application for Employment Form	26
Sample Candidate Questions	13	Sample Letters	28
Common Interview Mistakes	14	Sample Interview Schedule	30
Sample Interview Summary Form	15	Notes	31
Checking References	16		

Do's and Don'ts of Hiring a Superintendent

- | | |
|---|--|
| DO determine the school district's needs first. | DON'T hire the best of the worst. |
| DO agree to arrive at a consensus. | DON'T overlook those already in the school district. |
| DO take enough time to conduct a thorough search. | DON'T let a consultant identify the best superintendent for the school district. |
| DO make certain all members of the school board share in the process. | DON'T give away the school board's right to select its next superintendent. |

Beginning the Search

Selecting a new superintendent is perhaps the single most important decision a school board will make. Statistics on school board member tenure show that many of them have not experienced the difficult and important task of hiring a superintendent. This booklet is intended to help school boards develop an efficient and effective hiring process.

An organized process is important to both the school board and prospective applicants. School boards at big and small school districts must define the superintendent's job, determine the qualifications of the position, screen applications, conduct interviews, and, ultimately, make the best possible selection for their school districts and communities.

Regardless of school district size, the Minnesota School Boards Association (MSBA) believes this booklet will be helpful.

For the search, the school board must consider:

- A search budget,
- The search timeline,
- Whether to use consultants,
- The search process, including:
 1. announcing the vacancy, recruiting applicants, and screening applications,
 2. interviewing specifics,
 3. selecting a finalist, and
 4. communicating to the community and school district staff.

Hiring a superintendent gives the school board a chance to review its priorities and goals.

The Budget

A superintendent search (search) is a time-consuming and relatively expensive process. The cost will vary depending on whether the school board conducts a national search or focuses on the region or state. The use of a consultant will also affect the school district's budget.

Costs to consider:

- Staff time, school board members' stipends
- A vacancy brochure describing the position
- Advertising costs
- Postage and telephone calls
- Legal fees
- Consultant fees
- Applicant expenses such as travel, lodging, and meals
- Site visit expenses for school board members, such as travel and meals

Using a Consultant

Before the school board begins the selection process, school board members must decide whether to employ a search consultant (consultant). If the school board hires a consultant, the consultant should be involved in the planning as early as possible.

Hiring the superintendent — a school district's chief executive officer — is a time-consuming process, and, for this reason, many school boards opt to hire a consultant to guide the school board through the search from start to finish. The consultant understands the legal requirements, is well-versed in interviewing and hiring techniques, and may have connections with potential candidates. If the school board is considering a consultant, talk to school board members from other school districts who have recently used a consultant to hire their superintendents and ask about their experience with the process. School boards can also contact MSBA for information. The school board may review several proposals from consultants and interview two or three before making a decision.



Beginning the Search

Month 1		Month 2		Month 3		Month 4	
Decide on consultant use Set search budget Establish search timeline Gather stakeholder input Develop hiring criteria Create search vacancy brochure Develop application and selection process Announce vacancy		Advertise and recruit interest in the position Field applicant questions Develop interview process Develop interview questions Screen applications		Interview finalists Conduct second interviews Plan site visits, if needed Conduct final reference checks		Make and announce selection Negotiate employment contract Develop orientation process with new superintendent	

Sample questions for consultants:

- Are you doing other searches at this time? If so, how many?
- Who were your previous clients?
- How will you advertise and recruit for the position of superintendent in our school district?
- Will you narrow the pool to a small group of applicants? If so, how?
- Will we see all of the applications for our open position?
- When do you consider your work to be finished?

Remember, however, that the responsibility for hiring the superintendent falls squarely on the shoulders of the school board members, and the school board cannot give that responsibility away. The school board must make certain the process remains *its* process and it retains control of all hiring

practices. Don't allow anyone to set unrealistic goals or "glass ceilings."

In addition to reviewing the consultant's credentials and checking references, be sure to ask for all estimates and/or quotes in writing. Use an attorney to draft the agreement into a contract so all parties understand their responsibilities. Ask for progress reports on the search and make sure timelines are met.

The Search Timeline

The school board should first determine when it wants the new superintendent to start, then work backward from that deadline to establish the search timeline. Generally speaking, a search will take anywhere from three to four months to complete. However, the school board should take as much time as it needs to secure the best possible person for the job.

Beginning the Search

Involving Stakeholders

The superintendent works for the school board. Therefore, the entire school board should be involved in the search process, and the entire school board should make the decision to hire. Of course, the superintendent is a significant player in the community as well as the school district. Everyone from school district staff to parents to members of

the business community has a stake in the outcome of the search. Input from stakeholder groups is an important part of the process. The school board should create opportunities for stakeholders to provide input on qualifications.

School board members, however, must be clear with all stakeholder groups that the final hiring decision rests with the school board, as the superintendent is, first and foremost, the school board's employee.

Sample Hiring Criteria	Not Important — 1	Somewhat Important — 2	Average — 3	Important — 4	Very Important — 5
1. Works cooperatively with the school board					
2. Provides educational leadership					
3. Selects, assigns, and evaluates school district staff					
4. Understands and demonstrates sound management					
5. Is experienced in curriculum and development					
6. Delegates authority while maintaining accountability					
7. Is experienced in areas of equity and access					
8. Understands Minnesota's collective bargaining process					
9. Has a progressive yet realistic educational philosophy					
10. Is familiar with state and federal education laws					
11. Has administrative experience in similar school district(s)					
12. Shows interest in broad range of community groups					
13. Has good communication skills					
14. Understands sound fiscal management procedures					
15. Understands the legislative process					
16. Develops and directs an effective leadership team					
17. Is committed to professional growth for self and staff					
18. Is both honest and ethical in dealing with community					
19. Is experienced in implementing educational priorities					
20. Has proven experience in managing transition					

Beginning the Search



Developing the Hiring Criteria

Every school board wants a superintendent with multiple strengths, but finding a superintendent who is 100 percent perfect in all desired skill areas is unlikely. The form on Page 3 of this booklet is one tool school boards can use to prioritize hiring criteria.

After identifying and prioritizing the hiring criteria that best fit their district, the school board — or its consultant — should include these in all advertising materials.

Applications

The vacancy should be announced in a wide variety of places. As the pool of qualified superintendents shrinks, creating widespread awareness about the school district's vacancy is crucial to success.

Advertising can be costly; however, it doesn't have to be lengthy. Any advertisement should include the school district's website address where applicants can find longer job descriptions, the hiring criteria, and information about the school district and community.

Sample advertising sources:

- Minnesota School Boards Association (MSBA)
- Minnesota Association of School Administrators (MASA)
- American Association of School Administrators (AASA)
- Minnesota EdPost
- Top School Jobs (Education Week)
- The school district's website

Internal Applicants

Is the best applicant already in the school district? Perhaps. Many school districts have staff members who hold superintendent licenses and who have expressed an interest in the school district's superintendency. While these individuals may be highly experienced and have knowledge of the school districts' inner workings, school board members should not make any promises of employment as the school district's next superintendent.

School district staff can be encouraged to apply, but school board members must be careful not to imply these applicants have an advantage over external applicants because of their experience in the school district. Such implications can lead to problems later in the search process.

Remember: The school board's job is to find the best possible person for the position. By announcing the vacancy and conducting an open and transparent search, the school board can legitimately and confidently tell the public it found the best person for the job.

Beginning the Search



Screening the Applications

The school board should wait until after the application deadline has passed before reviewing the application materials. If the school board is using a consultant, they may conduct an initial review and weed out applicants that clearly don't meet the school district's hiring criteria. When the school board reviews the applications — or the consultant's proposed pool — all school board members should be involved.

Legal considerations:

- **School board meetings related to the search — including meetings of a committee of the school board — are open meetings.**
- **Applicant information is private data. The names of those applicants who are identified as finalists (those applicants selected by the school board to be interviewed) are public.**

While the public is welcome to attend all school board meetings, they are not allowed to participate in the school board meetings unless the school board grants them permission to do so. The school board should establish a separate venue for public input. A school board meeting involves the school board doing its work in public; it does not mean the public should be involved in the school board's work at the school board meeting.

Prior to the finalist selection meeting, which is a public meeting, school board members individually go to the school district office to review the applicants' files. To avoid doubling up and/or creating a serial meeting, school board members should stagger the times they go to the school district office to review the applicants' files. Often times an administrative assistant will create a master application review schedule and assign each school board member a time. Also, to protect the data privacy rights of the applicants, the applicants' files must be numbered or lettered before the school board members begin their review of the files. The school board members will use the assigned numbers or letters when discussing the applicants at the finalist selection meeting. Finally, in order to avoid costly data-related redacting costs, the applicants' files should not be brought into the finalist selection meeting. The files should be left at the school district office.

Salary: What Should the Announcement Say?

Many consultants and school board veterans advise against using the phrase, "salary negotiable," in advertisements and printed materials. Instead, they suggest indicating the minimum salary, as in "salary not less than \$105,000;" maximum salary, as in "salary will not exceed \$130,000;" or a salary range, as in "\$100,000 to \$120,000." Otherwise, applicants whom the school district can't afford may apply or other applicants may be discouraged from applying assuming the school district can't pay enough.

Worse, if the school board advertises \$100,000 and ultimately pays \$120,000, it has probably cheated itself out of many qualified applicants who would have applied if the \$95,000 to \$120,000 range had been published in the first place.

Lastly, the salary and compensation package should be negotiable commensurate with the finalists' experience and qualifications.

Sample Applicant Screening Form: Based on the application materials provided, determine whether each applicant "Meets" or "Does Not Meet" the school board's hiring criteria. If school board members are discussing this form in public, DO NOT use the applicants' names or any other information that may identify the applicants. Instead, use letters or numbers as identifiers.

Name/ Identifier	Application complete	Education	Provided three references	Has		Licensed	Budget skills	Curriculum and instruction	Communication skills	Personnel management	Strategic planning experience	Interview
				superintendent experience	experience							
												Yes No Maybe

Beginning the Search

Extra! Extra! Read All About It! The Search and the Media

(Adapted from the National School Boards Association)

The moment the school board is faced with selecting a new superintendent, the school board will be in the midst of a media event. Local news outlets, particularly community-oriented newspapers, will want to know what is going on, and the school board should keep the selection process as open as feasible.

One of the easiest ways to positively involve the news media in the search is to fully inform them on an equal basis. If all reporters receive the same information at the same time, the school board won't find itself being accused of playing favorites.

The following additional suggestions may enhance the school board's efforts:

1. Before the search begins, appoint a designated spokesperson for the school board. Have the spokesperson host a media briefing outlining the reasons for the vacancy, the search process (including use of consultants and the projected timetable), and when information on applicants can and will become public.
2. Invite the media to publicize the school board's intent to involve the community and school district staff (i.e., surveys, question-and-answer forums, etc.).
3. Give the media a copy of the vacancy announcement and other relevant search materials.
4. Remember, the names of applicants are private data. Only the names of the finalists (the applicants selected for an interview) are public.
5. Once the school board has identified the finalists (individuals selected by the school board to be interviewed), the school board should provide the media with the names of those individuals.
6. Interviews conducted by the school board are open meetings and must be treated as such. Provide the media with search updates (i.e., when the school board expects to make a selection).
7. After the school board has reached an agreement with its final choice for superintendent and announces the new superintendent, thank the media for its assistance. Inform the media of the superintendent's start date.
8. The media may want to know details of the superintendent's employment contract — such as salary, vacation time, and other benefits. This information is public and must be provided once the employment contract is finalized.
9. What if an individual school board member's favorite candidate wasn't selected? Remember, respecting the decision of the full school board is important. Complaining to the media about the selection will only serve to undermine the new superintendent's attempts to strengthen the school district.



The Interview

The interview phase of the hiring process may be the most interesting and most difficult. The application materials come to life: the school board finally has its chance to interact with the candidates.

Research shows interviewers form impressions of candidates within the first few minutes. While the first impression should not be discarded, school board members must keep an open mind throughout the search process.

Planning the Interview

When interviewing is done by a full school board, it requires coordination. The school board must decide how much time to allot for the interviews and who will ask what questions.

Before the interviews:

- **Decide what information about the job and/or school district should be given to the candidates and by whom.**
- **Discuss the topics to be covered.**
- **Anticipate any complications in the process and discuss options.**

School board members should review their established hiring criteria and develop interview questions to help measure the candidates against the hiring criteria. Remember, the school board's hiring criteria were developed to attract specific candidates and used to screen the applications. The hiring criteria clearly should be the focal point for the interview questions, and a series of questions should be developed that will elicit responses from the candidates which relate directly to the hiring criteria set by the school board.

Avoid questions that hint at a preferred answer. For example: Ask: "What do you consider the strengths and weaknesses of a four-period day or block schedule?" Don't ask: "What do you think about our school district's award-winning early childhood program?"

Each school board member should ask questions rather than delegate the responsibility to one or two members. A superintendent works with the full school board, and all school board members should be active participants.

Questions that elicit responses related to the hiring criteria set by the school board should be asked of each candidate.

Getting Started

The candidate arrives, and the small talk begins. Be careful — the supposed informality of pre-interview chitchat could lead to inappropriate comments or questions. For example, a school board member may comment on one of the superintendent's previous jobs. "I see you worked in Gopherville. Do you know my friend, Joe Smith?" The implication is that the candidate's chances improve if they know Joe Smith (and that Joe Smith thinks highly of them). When it comes to small talk, stick to the weather.

Considerations:

- **Don't spend a lot of time talking about the school district. Let the candidate do the talking.**
- **Give the candidate school district- and community-related brochures and a copy of the school district's budget.**
- **Be responsive to answers but don't share individual school board member's opinions.**
- **Use the same interview questions for all candidates and ask the interview questions in the same order.**
- **Leave plenty of time for the candidate to ask questions. Remember, the candidate is also interviewing the school board.**
- **Remember to take good notes; however, always ensure the notes are professional and appropriate.**



The Interview

Potential Interview Questions

The interview is an opportunity to glean information from the candidates that enables the school board members to make a good decision. Be sure to use this time to ask the candidates difficult, probing questions — soliciting information from them regarding what they have done, how they did it, and how your school district will benefit from their experience.

Look for leaders who actively participate in their school districts and seek individuals whose knowledge meets the school district's needs. What areas are most important? Curriculum development, student achievement, community relations, equity, budgeting, and negotiations are among the issues the school board might identify.

The school board will need to pick and choose which interview questions will generate appropriate information. Interview questions are typically sorted into the following categories:

- **Getting to know the candidate**
- **Working with the school district's administrative staff/team management**
- **Working with other school district staff**
- **Public relations/communications skills**
- **Student achievement and the curricular process**
- **Diversity, equity, and inclusion**
- **Budget/facilities management**
- **School board relationships**

The following list of interview questions may be used as a starting point to shape the interview. As a reminder, the interview questions should relate directly to the school board's established hiring criteria.

Getting to know the candidate

- Tell us about your work experience as it relates to the hiring criteria.
- Why are you interested in the position of superintendent in this school district?
- What are your goals and how might they contribute to this school district?
- How do you utilize strategic planning in the administration of a school district?
- What types of professional development have you undergone to improve your skills as an administrator?
- In your opinion, what is the superintendent's role in student achievement?
- What are your greatest strengths as an administrator?
- Give an example of a problem you have solved and the process you used.

Working with school district's administrative staff/team management

- How do you evaluate the school district's administrative staff?
- How do you help principals become more effective?
- How would you handle teacher opposition to any administrative staff?

The Interview

Potential Interview Questions

Working with other school district staff

- How do you achieve a trusting relationship with teachers and other staff?
- What type of staff development programs have you organized?
- What methods of communicating with staff have worked most effectively for you?
- What methods have you used to build consensus among staff?
- What is the superintendent's role in building/maintaining staff morale?

Public relations/communications skills

- How would you learn what school district stakeholders are thinking?
- What means have you used to effectively communicate with the community?
- How do you think members of the public in your current school district perceive you?
- What sources or methods do you use to learn what students are thinking?
- How do you handle parent complaints at inconvenient moments, such as being confronted about "high teacher salaries" when you're enjoying dinner with a friend?
- How have you boosted the level of parent and community involvement in the schools/school districts you've led?
- What is the superintendent's role in the legislative process?
- Have you recently been involved with a referendum campaign? If so, what were your key strategies?

Student achievement and the curricular process

- How do you help the school board and staff use data to make decisions about curriculum and student achievement?
- What are the best ways for a school board to monitor student achievement?
- What is your most important accomplishment in terms of improving student learning?
- What efforts have been made in your current school district to better serve the needs of at-risk students?
- If the school district's math scores were declining, how would you evaluate and address the problem?
- What are the components of a good early childhood program? Elementary program? Secondary program?
- What programs have you implemented to evaluate curricular offerings in your current school district?



The Interview

Potential Interview Questions

Diversity, equity, and inclusion

- How do you address the racial, social, economic, and cultural needs of a school district's diverse population?
- Provide an example of the strategies you used to create an inclusive learning environment for all students, regardless of ability, race, or life experiences.
- What steps have you taken or would propose to take to provide an equitable education to all students?
- What have you found to be most effective in addressing and narrowing the achievement gap?
- Describe how you would help build public confidence in our district across all families with kids in our schools, as well as those without a direct connection to the schools?
- How has the pandemic changed your perceptions of equity issues in pre-K through 12th grade public education?

Budget/facilities management

- What procedures do you use to monitor school district expenditures?
- In the development of a budget, what major goals and objectives do you establish?
- Describe the budget development process you prefer to use in terms of a timetable and the individuals or groups involved.
- If cutting 5 percent of the budget were necessary, how would you propose doing it?
- Describe your background in budget preparation and business administration.
- How do you determine space utilization in school facilities?
- With declining enrollment, the school district may need to close a building. What guidelines would you propose?

School board relationships

- Describe your ideal school board/superintendent relationship.
- How do you help school board members become more effective?
- How do you communicate with school board members?
- How do you view the role of the school board?
- How do you deal with a split school board?



The Interview

Don't Ask!

A number of legal considerations are involved in a job interview. If a candidate volunteers information about a protected class during the interview, school board members should do the following: ignore it, do not ask follow-up questions, do not discuss it, and make sure it does not become a factor in the hiring decision. Additionally, do not write notes on the application form; rather, each school board member should use a separate school board-agreed upon interview summary form to record their evaluation of the interview based on the candidate's responses to the interview questions.

Both state and federal law prohibits questions regarding "Protected Class Categories." Indirect questions regarding protected class categories are also a violation of the law.

Protected class categories:

- Age
- Ancestry/national origin
- Color/race
- Disability
- Economic status/status with regard to public assistance
- Familial/marital status
- Genetic information
- Membership or activity in a local commission
- Pregnancy
- Sex
- Sexual orientation
- Veteran status

DON'T ASK

What is an indirect question that violates protected class status?

Below are some interview questions that are not appropriate:

- How will you make child care arrangements? (**Violates familial/marital status**)
- When did you graduate from college? (**Violates age status**)
- Do you own a home? Or, have you filed bankruptcy? (**Violates economic status/status with regard to public assistance**)

School boards should be particularly careful during follow-up questions. Agree beforehand how follow-up questions will be handled and be cautious. Going "off script" increases the risk of an inappropriate question being asked. When in doubt, check with an attorney.



The Interview

The Candidate's Turn

The school board has its questions answered; now it's the candidate's turn.

Be sure to plan time in the interviews so candidates can ask questions about the school board's expectations and the school district. If a school board-superintendent relationship is akin to a "marriage," then both parties need to understand the other before making a commitment. The superintendent wants the school district to be a good fit for him or her as much as the school board wants the superintendent to be a good fit for the school district.

With a small pool of qualified candidates and a highly competitive environment, school board members should be prepared to explain why their school district is a good place to work, while acknowledging the challenges they face.

School board members should be aware that candidates, especially those who consider themselves finalists, are asking tougher questions these days to help them determine whether or not they remain interested in the position.

Potential Candidate Questions

- How do you evaluate the superintendent?
- What are the strengths of the school district?
- What are the school board's short- and long-term goals? What is the school district's vision?
- What are the school district's biggest challenges?
- How would the school board describe the relationship between the administration and teachers?
- What is the school district's financial condition?
- What does the school board see as its role? What about the superintendent's role?
- What are the strengths and weaknesses of the school board?
- What problems exist in the school district that I should be aware of?
- What does this community expect in terms of the superintendent's involvement in the community?
- How will key administrators be selected?
- What are the most important skills the school board expects a superintendent to possess?
- How does the school board involve itself in the operation of the school district?



The Interview

Common Interview Mistakes

- 1. Incomplete notes.** Without notes, school board members are unlikely to remember key points of an interview — especially after talking to four or five candidates. Good notes help ensure equal consideration of all candidates; otherwise, the first and last candidates tend to stand out and gain an unfair advantage.
- 2. Quick decisions.** Individuals who do not have a great deal of interviewing experience may find it difficult to avoid first impressions and quick judgments. School board members are reminded to take their time and make confident, measured decisions.
- 3. Forgetting the whole picture.** School board members may be tempted to cling to one important characteristic — such as good communication skills — at the expense of considering other weaknesses. The reverse is also true.
- 4. Violations of the “Don’t Ask” list.** If the school board breaks the law during an interview — intentionally or unintentionally — the school board could subject the school district to a lawsuit.
- 5. Poor or incomplete hiring criteria.** If the school board hasn’t carefully considered important hiring criteria, its questions won’t get to the key issues.
- 6. Topics overlap.** When a school board spends too much time on a particular topic, or the questions keep returning to a single topic, the “full picture” is lost, and important areas don’t get covered.
- 7. Vague questions, vague answers.** School board members shouldn’t be left to interpret what a candidate said or meant. Be careful about questions that invite vague responses. School board members should avoid assigning characteristics to candidates based on their own personal interpretations or biases.
- 8. Making a bad impression.** Plan ahead so the school board appears cohesive and organized. Sometimes interviewers talk too much — whether in the formal interview or informal chitchat — or the school board contradicts itself. The school board doesn’t want the best candidate to have an unfavorable opinion of the school board or school district.
- 9. Accepting the wrong fit.** Being without a full-time, permanent superintendent for long is neither easy nor desirable. However, lowering the school board’s standards to fill the position quickly is worse. Dealing with a high-profile job in a public institution is not easy. Remember, the process counts. The school board should take the time it needs to conduct the search.
- 10. Failing to probe motivation.** School board members certainly want to focus on a candidate’s skills. However, learning about the candidate’s motivation and passion for the job is also important. If the candidate isn’t supportive of the school board’s goals, the lack of support will be evident in their performance. Finding the right candidate is more than learning if a candidate can do the job; the issue is *will* they do it and do it well?



The Interview

Sample Interview Summary Form

Name of Finalist: _____ Date of Interview: _____

School Board Member Completing Form: _____

Directions: Check the rating category you consider appropriate based on the candidate's response to the interview question asked. Do not confer with anyone before selecting rating categories for each question. Ratings categories selected should remain confidential and be shared only when all candidates have been interviewed.

E — Exceeds requirements

M — Meets requirements

D — Doesn't meet requirements

Interview Questions		Rating Category		
		E	M	D
1.	Tell us a bit more about your work background as it relates to hiring criteria and why your want to be "X's" next superintendent.			
2.	Describe the process you would use to conduct ...			
3.	What is your experience ...			
4.	Describe the educational change ...			
5.	What have you done ...			
6.	Describe how you ...			
7.	Describe how you have ...			
8.	Describe how you have been involved ...			
9.	What have you done to improve ...			
10.	Describe for us ...			

Checking References

The school board has an impressive candidate or two. They were confident and articulate. Their answers were inspiring. The school board can picture either one of them sitting at the school board table behind the superintendent placard.

Not so fast. Checking references is a critical step in the hiring process. References are how the school board learns whether the candidate puts all those inspiring words into actions.

References may be listed in the application materials, but they also should include school board-initiated or consultant-initiated contacts with past employers and employees. No candidate lists references without knowing that the references provided will be positive. The school board has the responsibility to probe deeper. If the school board hires a consultant, the school board should make sure the consultant acknowledges this responsibility as well.

The “Don’t Ask” list applies to reference checks, too. Questions asked should be job-related only.

If the school board member conducting the reference

check is getting vague or hesitant answers, a problem may exist. If the reference won’t be specific, additional phone calls should be made until the issue is understood.

Tips for reference checks:

- **Avoid “yes/no” questions.**
- **Ask the critical question: “If given the opportunity, would you hire the individual again? If no, why not?”**
- **Ask follow-up questions to get specifics. “How do you now this?” or “Can you give me specific examples of the skill you’re describing?”**
- **Call past employers as well. The current employer may have reasons for wanting the candidate to leave and this may distort the answers provided.**
- **Ask in what areas the candidate could use additional training or experience.**
- **Ask the reference about his or her impressions of the candidate’s relationship with other school district staff.**
- **Always check references.**

Sample Questions to Ask References

For school board members

- How often and under what circumstances did the candidate contact you?
- What is the candidate’s role in building the agenda for the school board meeting?
- What is the candidate’s role at a school board meeting?
- How does the candidate deal with school board members who have different agendas or points of view?
- How has the candidate shown the ability to hold school district staff accountable for results?
- How satisfied are you with the candidate’s level of communication with the school board?

For school district staff

- How do representatives of your staff group discuss work-related issues with the candidate?
- In what way does the candidate formally or informally recognize school district staff for good work?
- Can you identify a situation that has caused the candidate to terminate the employment of, or to reprimand, staff?
How was it handled?

For citizens

- Describe the candidate’s level of involvement in the community.
- What is the community’s impression of the candidate’s ability to maintain control of school district costs?
- What is the community’s perception of the quality of education in this school district?
- How has the candidate developed support from businesses and other stakeholders?

Checking References

Sample Reference Check Form

This form is intended to be used as a guide and should be modified to align with the school board's hiring criteria. As a courtesy, candidates should be reminded that their references will be contacted. Use the following guidelines when conducting all telephone reference checks, whether a candidate is internal or external.

Introduce yourself, state the purpose of the call, the estimated length of the call, and confirm this is a convenient time to talk.

For example: Hi, my name is [insert name] and [insert name] is a finalist for superintendent at [insert name of school district], and I would like to ask you [insert number of questions] questions which will take approximately [insert number] minutes. Is this a good time for you to talk?

Be consistent! Ask the same questions about all final candidates and weigh the information equally. Remember, the "Don't Ask" list applies to reference checks.

Candidate's Name and Current Position: _____

Date Reference Check Conducted: _____ Position Applied For: _____

Reference's Name, Title, and Contact Number: _____

Reference Conducted By:

1. What is/was the nature and length of your relationship with [insert name]?
2. What are/were [insert name] job title, duties, and dates of employment?
3. What are/were [insert name] most significant accomplishments as they relate to the position of superintendent?
4. What are/were [insert name] top three qualities as they relate to the position of superintendent?
5. What area(s) of development, as they relate to the position of superintendent, could [insert name] focus on?
6. Please describe [insert name]'s management style.
7. If the candidate is not already a superintendent, what indication do you have [insert name] is ready to be a superintendent?
8. If relevant, why did [insert name] leave their position?

Making Your Choice

With the first round of interviews and reference checks completed, the school board should be ready to narrow the finalists to two candidates (three at most). The tools in this booklet are designed to help the school board in that process.

At this point, the search has probably generated a great deal of media coverage and community discussion. School district staff are anxious about the decision, as are the candidates. The school board may be experiencing pressure from various groups regarding which candidate to hire. While stakeholder input is a valuable part of the process, remember, the superintendent will be the school board's employee and the decision rests in the school board's hands alone.

The Final Choice

Second interviews and site visits are the last steps in making the decision. Why conduct a second interview? The school board's first impressions may not hold up during second interviews, reference checks, or site visits. Ideally, the school board has more than one outstanding candidate, and it needs another interview to build consensus around a lone final candidate. Many school board members find they need a second interview to resolve unanswered questions.

The second interview is largely focused on clarifying points from the first interview.

While the second interview may feel more personal, the "Don't Ask" list still applies. Many candidates, however, have shared information about their families at this point. Again, as a reminder, the school board should not ask follow-up questions regarding this information, discuss the information, or use the information as a factor in the hiring decision.

The focus in second interviews:

- **Dig deeper on topics of significance to the district.**
- **Ask the candidate to react to specific areas in which school board members may have doubts.**
- **Seek confirmation of a candidate's sincere interest in the position.**

Site Visits

Site visits are becoming increasingly rare in superintendent searches; however, they can provide an excellent opportunity for gauging a superintendent's effectiveness and support levels.

Having the candidate support the visit and help arrange meetings with administrators, school board members, teachers and other staff, students, community leaders, and members of the local media is best. However, the school board should also seek out individuals not scheduled to be interviewed by the candidate.

The school board should prepare a list of questions prior to the site visit. All questions asked should be job-related, and the "Don't Ask" list applies to questions asked during site visits also.

Ideally, two or three school board members visit the community of the top candidate. If the school board decides to visit more than one candidate, the school board involves the same school board members in all site visits as opposed to having some school board members going to one community and others visiting the second community.

Regardless of the number of school board members involved, the site visit should be treated like a meeting under the Open Meeting Law and should be appropriately posted.



Making Your Choice

Sample Site Visit Questions

The following sample site visit questions are intended to be used as a guide and should be modified to align with the school board's hiring criteria. Remember: The "Don't Ask" list applies to questions asked during site visits.

For school board members

- How did [insert name] help you be an effective and cohesive school board, particularly during difficult times?
- Do you feel [insert name] kept you adequately informed in a timely manner? How did [insert name] keep you informed?
- How does [insert name] handle conflict? Provide an example.
- How has [insert name] dealt with setbacks or decisions that didn't work well?
- Has your school district experienced major financial difficulties? If so, how did [insert name] handle those situations?
- How has [insert name] involved the school board in decision-making? Describe a major problem or decision and how [insert name] involved the school board.
- How has [insert name] kept the school board focused on improving student achievement?
- Tell me how [insert name] has used data to help the school board make decisions and monitor progress.

For school district administrators

- Describe decisions that were difficult but handled effectively by [insert name].
- How does [insert name] include you in the decision-making process? Provide an example.
- Does [insert name] build leadership and encourage risks? Provide an example.
- What is your perception of how [insert name] is viewed by the community? The staff?

For citizens

- Tell me how [insert name] obtains stakeholder input for decisions/issues.
- Do you feel you can talk with [insert name] and they will really listen? Provide an example.
- How has [insert name] handled decisions that some community members did not support?
- Is [insert name] respected in this community? What leads you to that conclusion?
- How has [insert name] made a difference in your schools?

For school district teachers

- What are the strengths of [insert name] as an administrator?
- How does [insert name] provide teachers with opportunities for input before decisions are made?
- How does [insert name] handle situations in which teachers disagree with administration and/or the school board?
- What are [insert name]'s most significant accomplishments in this school district?
- Describe the relationship between [insert name] and the bargaining unit.

For others who worked with the superintendent

- How would you describe your working relationship with [insert name]?
- What are [insert name]'s greatest strengths?
- What is your perception of the relationship [insert name] has with staff? Parents? The community?

If the opportunity arises, don't pass up talking with students. They probably can't answer questions about the superintendent's financial skills, but they certainly can tell if students are treated with respect.

Making Your Choice

Deliberating in Public

Whether school board members have used a consultant or conducted the search themselves, the most difficult part of the search typically involves the final step: discussing which candidate best meets the school district's needs.

The discussion, of course, is a public one.

Many school board members struggle to balance meeting the spirit of the Open Meeting Law with the logistics of an open, honest discussion about the candidates' attributes. How can school board members ensure they don't offend any of the candidates? After all, what will happen if the top candidate declines the position and the school board has alienated its second or third choice?

While these concerns are legitimate, the school board must remember it is analyzing the candidates because the candidates voluntarily sought the position. Candidates for a high-profile public position, such as the superintendency, know they will be judged on criteria set by the school board and/or community, and that they will be judged against other candidates. As professionals, they willingly put themselves in that position in order to seek out opportunities in other school districts.

During your board's deliberations, it will be important to emphasize the positive attributes of candidates instead of pointing out negative ones. This approach will call attention to a school board's professionalism.

School board members also should not launch into the process until they are prepared. Seek advice from MSBA or an attorney if questions arise. Think ahead and always treat the candidates fairly and with respect.

Do not, as individual school board members, go off on "fact-finding missions." Do not entertain the demands of one self-interest group while ignoring others. If the school board has determined the hiring criteria it wants and carefully constructed the questions, the discussion will unfold logically.

School boards that plan ahead, abide by the law, and treat people with respect seldom have difficulty finding new leadership for their school districts. By conducting a quality search, school boards will help usher in new leadership and elevate their stature as quality school boards with a quality educational product.

Candidates for a high-profile public position, such as the superintendency, know they will be judged on criteria set by the school board and the community, and that they will be judged against other candidates.

Don't:

- **Go on individual fact-finding missions.**
- **Let a special interest group shape the process.**
- **Alienate any of the finalists.**

Do:

- **Focus on the positive attributes of candidates during public discussion rather than negative points.**
- **Judge candidates based on the hiring criteria established by the school board.**



The Employment Contract and Retention

Developing a good employment contract is a major step in establishing a positive working relationship between the school board and superintendent so the terms and conditions of employment need to be clear and concise. The school board and new superintendent should make certain that they agree on the intent of the language and write it clearly so future school boards can discern the elements of the employment contract.

The school board should review the new superintendent's proposals carefully to assure that they are legal. Calculate the financial terms so the school board understands the long-term impact of every item in the employment contract. The school board should contact MSBA or its attorney when appropriate.

MSBA, in cooperation with MASA, has developed a model superintendent employment contract (model) for school boards and superintendents to use as a starting point. The model provides school boards with an excellent basis from which to develop an employment contract with new superintendents. The model is analyzed each year by MSBA's legal counsel and should be used as the foundation for all superintendent employment contracts. The model can be found on MSBA's website at <https://mnmsba.org>.

Evaluations

Evaluating the superintendent's performance and its own performance are two of the school board's most important duties. Whether the school board is evaluating its own performance or the performance of its superintendent, the evaluation can be a powerful tool for growth and professional development. In addition, having a positive working relationship between school board members and

School boards should calculate the financial terms of the employment contract so they understand the long-term impact of every item in the employment contract. Contact the school board's attorney or MSBA when appropriate.

the school board and its superintendent are critical to accomplishing a school district's mission and priorities. One way to develop this relationship is by having an effective, constructive evaluation process and procedure that helps drive school district improvement efforts.

Although no evaluation technique is guaranteed to be free of conflict, a formal, well-constructed process, such as the one referenced in the "Goals- and Standards-Based Superintendent Evaluation" booklet (booklet), will help clarify expectations, remind both parties of their roles, and improve professional development. The process launches a dialogue about those expectations and provides an outlet for resolving conflict. The booklet can be found on MSBA's website.

Evaluations should be conducted at least annually unless the school board and superintendent determine more frequent evaluations are appropriate.

Minnesota law allows school boards to close the portion of the board meeting during which they evaluate the performance of the superintendent. However, the school board must provide a summary of its conclusions to the public at its next open meeting.



The Employment Contract and Retention

Foundations for a Good School Board-Superintendent Relationship

1. Written mission, beliefs, and vision statements.

The school board and the superintendent work together to assess the condition of the school district, often referred to as an environmental scan. They reflect on the purpose of the school district, identify shared beliefs, and develop a shared vision for the school district in written form commonly termed mission, beliefs, and vision statements. The mission, beliefs, and vision statements should be reviewed annually.

2. School board policy and administrative procedures handbook.

The school board policy manual contains clear written policy statements which clarify the school board's expectations with respect to specific operations of the school district. The policy manual should include policies that specify the general roles and responsibilities of the school board and the superintendent. The administrative procedures handbook should contain administrative procedures that clarify to the school board how the superintendent intends to carry out the school board's policies. The school board needs to establish a system for reviewing existing policies and procedures and developing new policies and procedures, when appropriate.

3. Superintendent employment contract.

The superintendent's employment contract is a written agreement between the school board and the superintendent and consists of the terms and conditions of the superintendent's employment. The superintendent's employment contract must be approved by the school board at a public meeting. A model employment contract, which has been approved by the boards of MSBA and Minnesota Association of School Administrators (MASA), can be found on MSBA's website at <https://mnmsba.org>.

4. Superintendent job description.

The superintendent's job description is a written explanation of the specific expectations the school board has of the superintendent, provided through their leadership in guiding the school district. How specific the job description is may vary; however, the superintendent's job description should be the basis for evaluating the performance of the superintendent, along with any school board approved performance goals and/or professional development goals. The job description should be referenced regularly and be updated after completing the current performance evaluation. A sample job description can be found on MSBA's website at <https://mnmsba.org>.



The Employment Contract and Retention

Foundations for a Good School Board-Superintendent Relationship (continued)

5. Superintendent performance evaluation system.

The superintendent should be evaluated by the school board at least annually. The superintendent performance evaluation should allow for periodic or ongoing feedback opportunities throughout the year and a summative performance evaluation for the entire year. The performance evaluation should be tied directly to the superintendent's job description, annual school district goals, and professional development goals. Based on the evaluation feedback, the superintendent should know clearly whether they are meeting the school board's collective expectations. If not, prescriptive statements should be included which tell the superintendent what they must do to fulfill these expectations. For more information, download a copy of the "Goals- and Standards-Based Superintendent Evaluation" booklet from MSBA's website at <https://mnmsba.org>.

6. School district strategic plan. The school board and the superintendent should work together to develop a strategic plan which involves gathering input from various stakeholders. The strategic plan sets the direction to guide the school district for the next three to five years. In Minnesota, the strategic plan is required and must be reviewed annually.* The strategic plan "comes to life" through an action plan that spells out timelines, resources, responsibilities, etc.

* See Minnesota Statute 120B.11, Subd. 5.

7. School board self-evaluation. The school board needs to establish a performance evaluation system which periodically evaluates how well it is performing its roles and responsibilities as a school board. This evaluation, at times, may be informal; however, a formal written procedure to measure the school board's effectiveness and prescribe ways in which it might become more effective should be done also. If the school board deals with difficult issues and rapid turnover of school board members, the school board self-evaluation is particularly important.

8. Training and learning opportunities. The school board should have a written policy which spells out the need and opportunity for school board training and learning opportunities. Due to the volume and speed of change, the need for school board members and superintendents to have opportunities for training and skills development is greater than ever. Training and learning opportunities vary and include in-district training among the superintendent, other school district professionals, and the school board, or training may be via their respective regional, state, or national organizations.



Appendix A — Sample Vacancy Announcement

Superintendent of Schools
Independent School District No. [insert number], Any Town, Minnesota [insert Zip Code]

The [insert Name] School Board is seeking qualified applicants for the position of superintendent. The anticipated start date is [insert date].

The Community [insert a brief overview of the community]

The School District is located in [insert name of county], which is located between [insert town] and [insert town name]. The business climate is [insert information]. The community also [insert information about the community].

The School District [insert a brief overview of the School District] Mission statement: [insert mission statement]

Highlights:

- Total student enrollment (pre-kindergarten through 12th grade);
- Total number of employees (licensed and non-licensed);
- Names of buildings maintained by the school district and number of students/grade configuration for each school district-owned building;
- School district budget;
- School district website address.

Qualifications

The School Board has established the following qualifications for the next superintendent:

- has a solid understanding of school finance;
- has demonstrated personnel management skills;
- has a strong academic background with successful experience in curriculum;
- has previous school district administrative experience.

Salary and Contract

A regionally competitive compensation package, with an annual salary of not less than [insert amount or range], will be negotiated commensurate with experience and qualifications. The contract length is negotiable as provided in Minnesota statute.

Application Procedure

To be considered for this position, an applicant's completed file must be received by [insert time] on [insert date and year], and must include the following documents:

- a cover letter;
- legal proof or other evidence (i.e., certificate/license) showing the applicant's qualification to be a superintendent in the state of Minnesota;
- A set of up-to-date credentials, which includes an application, current resume, at least three letters of recommendation, and a copy of the applicant's official transcript(s).

Completed applications should be submitted to the [insert name and title (for example: School Board Chair, Human Resources Director, Superintendent)], [insert address].

The [insert name of School District] is an equal opportunity employer.

Appendix A — Sample Vacancy Announcement

Superintendent of Schools
Independent School District No. [insert number], Any Town, Minnesota [insert Zip Code]

The [insert Name] School Board is seeking qualified applicants for the position of superintendent. The anticipated start date is [insert date].

Applicants should be able to demonstrate a proven record of excellence in exceptional leadership with the following additional qualifications:

- has a solid understanding of school finance;
- has demonstrated personnel management skills;
- has a strong academic background with successful experience in curriculum;
- has previous school district administrative experience.

Salary, Start Date, and Contract

The salary for the new superintendent will be [insert amount or range], plus a regionally competitive compensation package will be negotiated commensurate with experience and qualifications. The contract length is negotiable as provided in Minnesota statute.

Application Procedure

To be considered for this position, an applicant's completed file must be received by [insert time], on [insert date], and must include the following documents:

- a cover letter;
- legal proof or other evidence (i.e., certificate/license) showing the applicant's qualification to be a superintendent in the state of Minnesota;
- a set of up-to-date credentials, which includes an application, current resume, at least three letters of recommendation, and a copy of the applicant's official transcript(s).

Completed applications should be submitted to the [insert name and title (for example: School Board Chair, Human Resources Director, Superintendent)], [insert address].

The [insert name of School District] is an equal opportunity employer.

Appendix B — Sample Application for Employment Form

Superintendent of Schools
 [insert address information from previous pages]

- Please forward your completed application to: [insert name and title (for example: School Board Chair, Human Resources Director, Superintendent)], [insert address].
- To be considered for this position, an applicant’s completed file must be received by [insert time], on [insert date], and must include the following documents:
 - a cover letter;
 - legal proof or other evidence (i.e., certificate/license) showing the applicant’s qualification to be a superintendent in the state of Minnesota;
 - a set of up-to-date credentials, which includes an application, current resume, at least three letters of recommendation, and a copy of the applicant’s official transcript(s).

CLOSING DATE FOR APPLICATIONS IS [insert date]

PERSONAL INFORMATION

Applicant’s Name: _____

Current Address: _____
 Street City State ZIP

Current Phone Number: _____ Email Address: _____

Best way to contact: _____

Present Position: _____ Since: _____

Work Address: _____ Work Phone: _____

Annual Budget: \$ _____ Student Enrollment: _____

Number of Employees: _____ Current Salary: \$ _____

Do you hold a Minnesota-issued superintendent license? YES ___ NO ___ FF# _____

EMPLOYMENT HISTORY

List all full-time experience in the field of education, in reverse chronological order (present position first).

Institution and Location	Position	From/To	Reason for Leaving

Appendix B — Application for Employment

PROFESSIONAL PREPARATION

Degree	Institution/Location	Major/Minor

SPECIAL ACHIEVEMENTS [Publications, fellowships, honors, involvement in professional organizations, consulting, community honors.]

REFERENCES [List one past school board member and two employers/supervisors.]

SPECIAL NOTES [Comment on the most significant contributions you believe you have made in your present position.]

Indicate what you consider to be your most important qualifications that equip you to perform as superintendent of schools in ISD [insert school district number].

I have requested that my credentials be forwarded from _____

Having read the hiring criteria, indicate how you meet the hiring criteria for the position in ISD [insert school district name]

[Insert the Certification, Consent, Notice, and Release of Information.*]

*NOTE: The school board should work with its legal counsel to develop a Superintendent Employment Certification, Consent, Notice, and Release of Information.

Date _____ Signed _____

Appendix C - Sample Letters

NOTE: The following sample letters are intended to be used as guide, and should be modified to meet the specific needs of the school board.

Letter To Acknowledge Receipt of Application

Date

Name Title Address

City, State, Zip

Dear _____:

On behalf of the [insert school district name] School Board, I am writing to acknowledge that we have received your letter of application and other supporting documents for the position of superintendent of our school district.

We appreciate your interest in our school district. If you are selected for an interview, you can expect a phone call from [insert name] the week of [insert date].

Thank you, again, for your interest in our school district. We do appreciate the time you invested in this application.

Sincerely,

Name

Title

Initials

Appendix C - Sample Letters

“No Interview” Letter

Dear _____:

This letter is in reply to your application for the position of superintendent at [insert school district name].

We regret to inform you that you were not selected for an interview. We appreciate your interest in the position. Best of luck to you as you pursue your professional goals.

Sincerely,

Name
Title
Initials

Interview Confirmation Letter

Dear _____:

As discussed during our conversation, I am writing to confirm your interview for the position of superintendent of [insert school district name]. The interview will take place on [date] at [time] in the [location] and will last approximately [amount of time].

We look forward to seeing you on [insert date]. If you have any questions, please contact [insert name] at [insert contact information].

Sincerely,

Name
Title

Appendix D - Sample Interview Schedule

Schedule of First Interviews

Name _____ Date/time/place _____

Name _____ Date/time/place _____

Name _____ Date/time/place _____

Name _____ Date/time/place _____

Name _____ Date/time/place _____

Name _____ Date/time/place _____

Schedule of Second Interviews

Name _____ Date/time/place _____

Name _____ Date/time/place _____

Name _____ Date/time/place _____

Appendix E - Notes

Notes



Governance Committee Minutes for August 12, 2024

Members: N. Donnay, A. Galati, J. Johnson, J. Gutierrez, J. Santini
Absent: M. Stiles

Agenda

1. Policies Update - See e.
 - a. A. Galati - Chemical Use and Abuse
 - i. Jon is working with T. Smith and A. Tiffany to clarify what we have in place.
 - ii. Will connect with Amy Mace after hearing from T. Smith and A. Tiffany.
 - b. J. Johnson - Use of Peace Officer
 - i. Jon will pass this policy to Peggy Rosell for review.
 - c. J. Santini - Mandated Reporter for Vulnerable Adult
 - i. Jon will pass to Peggy Rosell and Terri Smith for review.
 - d. M. Stiles - Student Surveys (Absent)
 - e. Per M. Stiles: Looking at all the emails Amy Mace has been sending regarding policy and bylaws suggestions (of which they all appear reasonable), I'm wondering if we should have Amy make the first draft/adaptation of any new required policy for SCPA, vs. one of us trying to take a crack at it first. I don't mean for us to be lazy, but some of her email exchanges with Jon seem to imply that having her office make any changes first will ensure they will be done correctly.

Note: N. Donnay will make a table for tracking policies.

2. Governance Training: J. Gutierrez
 - a. MN Statute 124E - Located in Governance under Other docs.
 - i. Notes: J. Gutierrez walked the Governance team through MN Statute 124E with the new legislative changes.

3. Board Roster - Extend B. Hajlo's term. - through 2026 - Make a motion at the August Board Meeting.
 - a. Motion: I make a motion to extend Bob Hajlo's board term for an additional year - through July 2026 to support the transition to a new Executive Director.
4. Upcoming Board Meetings: Policy Schedule per Board Calendar and Presentation
 - a. August - None
 - b. September training
 - i. SCPA Bylaws - Jon
 - ii. Board Governance Manual - Jon
 - c. Eventually, Governance will need to go through the Family Handbook and decide which handbook policies need to come out and be formalized as school policy.
5. Confirm - Professional Development for Jon for the next year. **Is Succession Planning Committee handling this or does it fall under Governance?
 - a. Jon and Nicole will bring this to Succession Planning's meeting.
6. Move to September meeting: Professional Development future planning if the new Executive Director is not licensed. If so, where and when do we begin thinking about this in preparation to make a proposal for the board?
7. Future Meetings:
 - a. Branding of Policies Board Policy Template and Narrative Template
 - b. Should we create a Google doc/form/something for Board members to review before training, as suggested by Kristen.
 - i. Continuous board training? Is this of interest?
 - ii. Who would create and administer this?
 - c. Should we reach out to individuals to determine interest in forming additional Board committees (Growth/Replication, PSEO/Upper School Retention)?

- d. Should we talk to the Finance and Compensation committees to see if Compensation should be under Finance?
- 8. Set the next meeting date - September 2024 at 4:15.

Respectfully submitted by A. Galati



Governance Committee Agenda/Minutes for September 5, 2024

Members: N. Donnay, A. Galati, J. Johnson, J. Gutierrez, J. Santini, M. Stiles
Absent:

Agenda

1. Policies Update - Jon G. (Blue indicates follow up from last meeting)
 - a. Chemical Use and Abuse
 - i. Jon is working with T. Smith and A. Tiffany to clarify what we have in place.
 - ii. Will connect with Amy Mace after hearing from T. Smith and A. Tiffany.
 - b. Use of Peace Officer
 - i. Jon will pass this policy to Peggy Rosell for review.
 - c. Mandated Reporter for Vulnerable Adult
 - i. Jon will pass to Peggy Rosell and Terri Smith for review.
 - d. M. Stiles - Student Surveys
2. Table for tracking implementation of policies - Chad and Nicole worked on a tracking sheet.
 - a. Link: [Policy Implementation Tracking Form](#)
3. Discussion regarding New Legislation - 124E.07.Subd. 3(b)
 - a. Clarification regarding Nicole Donnay and Rita Thorson
4. Board Roster - Extend B. Hajlo's term. - through 2026 - Make a motion at the August Board Meeting.
 - a. Motion: I make a motion to extend Bob Hajlo's board term for an additional year - through July 2026 to support the transition to a new Executive Director.

5. Upcoming Board Meetings: Policy Schedule per Board Calendar and Presentation
 - a. September training
 - i. SCPA Bylaws - Jon
 - ii. Board Governance Manual - Jon
 - b. Eventually, Governance will need to go through the Family Handbook and decide which handbook policies need to come out and be formalized as school policy.
6. Follow up: Professional Development for Jon for the next year. ****Is Succession Planning Committee handling this or does it fall under Governance?**
 - a. Jon and Nicole will bring this to Succession Planning's meeting.
7. Move to September meeting: Professional Development future planning if the new Executive Director is not licensed. If so, where and when do we begin thinking about this in preparation to make a proposal for the board?
8. Future Meetings:
 - a. Branding of Policies Board Policy Template and Narrative Template
 - b. Should we create a Google doc/form/something for Board members to review before training, as suggested by Kristen.
 - i. Continuous board training? Is this of interest?
 - ii. Who would create and administer this?
 - c. Should we reach out to individuals to determine interest in forming additional Board committees (Growth/Replication, PSEO/Upper School Retention)?
 - d. Should we talk to the Finance and Compensation committees to see if Compensation should be under Finance?
9. Set the next meeting date -

Respectfully submitted by A. Galati

Name of School: ST CROIX PREPARATORY ACADEMY

District #: 4120

Date of Report: August 2024

BOARD MEMBER ROSTER

	Director Name	Check One		E or A	Terms	Term		Officer	Director Contact Information	Affiliation - Check One			Date Obtained Required Training		
		Current Director	Director Elect			Date Seated	Date Term Expires			Identify Officer Position (if any)	Email Address and Phone Number	Teacher *	Parent *	Community Member *	Finance
P4	Jeff Johnson		X	A	1	8/15/2023	8/19/2025		jeffjohnson@stcroixprep.org		X		1/10/2024	1/10/2024	1/10/2024
P3	Matthew Stiles	X		E	1	8/16/2022	8/19/2025		matthewstiles@stcroixprep.org		X		1/17/2023	2/27/2023	1/17/2023
T2	Nicole Donnay	X		E	4	3/25/2014	8/18/2026	Vchair	ndonnay@stcroixprep.org	X			8/12/2014	8/12/2014	8/12/2014
T3	Angela Galati			E		10/19/2021	8/18/2026		angelagalati@stcroixprep.org	X			8/9/2016	8/10/2016	8/11/2016
P1	Danielle Smith	X		E	1	8/20/2024	8/17/2027		daniellesmith@stcroixprep.org		X				
T1	Deb Keyes	X		E	4	8/18/2012	8/19/2025		dkeyes@stcroixprep.org	X			4/21/2012	4/21/2012	4/21/2012
C	Bob Hajlo	X		A	3	9/20/2016	8/15/2026	Chair	bobhajlo@stcroixprep.org			X	4/1/2015	4/1/2015	4/1/2015
P2	Terri Gulbransen		X	E	1	8/15/2023	8/15/2026		terrigulbransen@stcroixprep.org		X		1/26/2024	6/24/2024	1/26/2024
T4	Rita Thorson	X		A	1	3/28/2023	8/17/2027		ritathorson@stcroixprep.org	X			1/10/2024	9/5/2023	1/10/2024
*Teacher = Licensed Teacher Employed at the School															
*Parent = Parent of Student Enrolled at the School															
*Community Member = Individual who is neither a teacher employed at school nor a parent of student enrolled in the school															

Office of the Revisor of Statutes

Office of the Revisor of Statutes

2023 Minnesota Statutes

[Authenticate](#)  PDF

This chapter has been affected by law enacted during the 2024 Regular Session. [More info...](#)

CHAPTER 124E. CHARTER SCHOOLS

Section Headnote**GENERALLY**

- [124E.01](#) PURPOSE AND APPLICABILITY.
[124E.02](#) DEFINITIONS.
[124E.03](#) APPLICABLE LAW.

ADMINISTRATION

- [124E.05](#) AUTHORIZERS.
[124E.06](#) FORMING A SCHOOL.
[124E.07](#) BOARD OF DIRECTORS.
[124E.08](#) CHARTER SCHOOL AND SCHOOL DISTRICT COLLABORATION.
[124E.09](#) EXTENT OF SPECIFIC LEGAL AUTHORITY.

POLICIES AND PROCEDURES

- [124E.10](#) CHARTER CONTRACT.
[124E.11](#) ADMISSION REQUIREMENTS AND ENROLLMENT.
[124E.12](#) EMPLOYMENT.
[124E.13](#) FACILITIES.
[124E.14](#) CONFLICTS OF INTEREST.
[124E.15](#) TRANSPORTATION.
[124E.16](#) REPORTS.
[124E.17](#) DISSEMINATION OF INFORMATION.

FINANCE

- [124E.20](#) GENERAL EDUCATION REVENUE.
[124E.21](#) SPECIAL EDUCATION AID.
[124E.22](#) BUILDING LEASE AID.
[124E.23](#) TRANSPORTATION REVENUE.
[124E.24](#) OTHER AID, GRANTS, AND REVENUE.
[124E.25](#) PAYMENT OF AIDS TO CHARTER SCHOOLS.
[124E.26](#) USE OF STATE MONEY.

GENERALLY**124E.01 PURPOSE AND APPLICABILITY.**

Subdivision 1. **Purposes.** The primary purpose of charter schools is to improve all pupil learning and all student achievement. Additional purposes include to:

- (1) increase learning opportunities for all pupils;
- (2) encourage the use of different and innovative teaching methods;

- (3) measure learning outcomes and create different and innovative forms of measuring outcomes;
- (4) establish new forms of accountability for schools; or
- (5) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

Subd. 2. **Applicability.** This chapter applies only to charter schools formed and operated under this chapter.

History: 1991 c 265 art 9 s 3; 1Sp1995 c 3 art 9 s 2; 1998 c 397 art 2 s 164; 2009 c 96 art 2 s 41; 2013 c 116 art 4 s 1; 2014 c 272 art 3 s 33; 1Sp2015 c 3 art 4 s 10; 2016 c 189 art 26 s 1

124E.02 DEFINITIONS.

- (a) For purposes of this chapter, the terms defined in this section have the meanings given them.
- (b) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.
- (c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.
- (d) "Charter management organization" or "CMO" means any nonprofit or for-profit entity that contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of a school's education program or a school's administrative, financial, business, or operational functions.
- (e) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.
- (f) "Educational management organization" or "EMO" means a nonprofit or for-profit entity that provides, manages or oversees all or substantially all of the education program, or the school's administrative, financial, business, or operational functions.
- (g) "Immediate family" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.
- (h) "Market need and demand study" means a study that includes the following for the proposed locations of the school or additional site:
 - (1) current and projected demographic information;
 - (2) student enrollment patterns;
 - (3) information on existing schools and types of educational programs currently available;
 - (4) characteristics of proposed students and families;
 - (5) availability of properly zoned and classified facilities; and
 - (6) quantification of existing demand for the school or site.
- (i) "Person" means an individual or entity of any kind.
- (j) "Related party" means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.
- (k) For purposes of this chapter, the terms defined in section 120A.05 have the same meanings.

History: 1Sp2001 c 6 art 2 s 25; 2007 c 146 art 2 s 24,47; 2009 c 96 art 2 s 41; 1Sp2011 c 11 art 2 s 29; 1Sp2015 c 3 art 4 s 2,10; 2016 c 189 art 26 s 2; 2023 c 55 art 6 s 1

124E.03 APPLICABLE LAW.

Subdivision 1. **Public status; exemption from statutes and rules.** A charter school is a public school and is part of the state's system of public education. A charter school is exempt from all statutes and rules applicable to a school, school board, or school district unless a statute or rule is made specifically applicable to a charter school or is included in this chapter.

Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

- (b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.
- (c) A charter school must comply with the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.
- (d) A charter school is a district for the purposes of tort liability under chapter 466.
- (e) A charter school must comply with the Pledge of Allegiance requirement under section 121A.11, subdivision 3.
- (f) A charter school and charter school board of directors must comply with chapter 181 governing requirements for employment.
- (g) A charter school must comply with continuing truant notification under section 260A.03.

(h) A charter school must develop and implement a teacher evaluation and peer review process under section 122A.40, subdivision 8, paragraph (b), clauses (2) to (13), and place students in classrooms in accordance with section 122A.40, subdivision 8, paragraph (d). The teacher evaluation process in this paragraph does not create any additional employment rights for teachers.

(i) A charter school must adopt a policy, plan, budget, and process, consistent with section 120B.11, to review curriculum, instruction, and student achievement and strive for the world's best workforce.

(j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56 and 121A.575.

Subd. 3. **Pupils with a disability.** A charter school must comply with sections 125A.02, 125A.03 to 125A.24, 125A.65, and 125A.75 and rules relating to the education of pupils with a disability as though it were a district. A charter school enrolling prekindergarten pupils with a disability under section 124E.11, paragraph (h), must comply with sections 125A.259 to 125A.48 and rules relating to the Interagency Early Intervention System as though it were a school district. *SPED*

Subd. 4. **Students' rights and related law.** (a) A charter school must release a student for religious instruction, consistent with section 120A.22, subdivision 12, clause (3).

(b) A charter school must comply with chapter 363A governing the Minnesota Human Rights Act and section 121A.04 governing student athletics and sex discrimination in schools.

(c) A charter school must comply with section 121A.031 governing policies on bullying.

Subd. 5. **Records and data requirements.** (a) A charter school must comply with chapter 13 governing government data; and sections 121A.75 governing access to juvenile justice records, and 260B.171, subdivisions 3 and 5, governing juvenile justice records.

(b) A charter school must comply with section 120A.22, subdivision 7, governing the transfer of students' educational records and sections 138.163 and 138.17 governing the management of local records.

Subd. 5a. **Open meetings.** A charter school must comply with chapter 13D governing open meetings.

Subd. 6. **Length of school year.** A charter school must provide instruction each year for at least the number of hours required by section 120A.41. It may provide instruction throughout the year under sections 124D.12 to 124D.127 or 124D.128 governing learning year programs.

Subd. 7. **Additional program-specific requirements.** (a) A charter school offering online courses or programs must comply with section 124D.095 governing online learning.

(b) A charter school that provides early childhood health and developmental screening must comply with sections 121A.16 to 121A.19 governing early childhood screening.

(c) A charter school that provides school-sponsored youth athletic activities must comply with section 121A.38 governing policies on concussions.

Subd. 8. **Corporal punishment.** A charter school is subject to and must comply with section 121A.58 as though it were a district.

Subd. 9. **English learners.** A charter school is subject to and must comply with the Education for English Learners Act under sections 124D.58 to 124D.64 as though the charter school were a district.

History: 1991 c 265 art 3 s 38; art 9 s 3; 1993 c 224 art 9 s 7; 1Sp1995 c 3 art 9 s 2; 1998 c 397 art 2 s 5,6,10,11,164; art 11 s 3; 2002 c 352 s 10; 2003 c 120 s 3; 1Sp2003 c 9 art 12 s 10; 2009 c 96 art 2 s 41; 2010 c 346 art 1 s 3; 2011 c 90 s 3; 2012 c 239 art 2 s 12; 2013 c 116 art 4 s 1; 2014 c 160 s 3; 2014 c 272 art 3 s 38; 1Sp2015 c 3 art 4 s 4,5,10; 2016 c 189 art 26 s 3; 1Sp2017 c 5 art 2 s 39; 1Sp2021 c 13 art 4 s 1; 2023 c 55 art 6 s 2,3

ADMINISTRATION

124E.05 AUTHORIZERS.

Friends of Education - highest ranked Authorizer in the State 4.95 on a 5.0 scale

Subdivision 1. **Eligible authorizers.** (a) The organizations in this subdivision may authorize one or more charter schools.

(b) A school board, intermediate school district school board, or education district organized under sections 123A.15 to 123A.19 may authorize a charter school.

(c) A charitable organization under section 501(c)(3) of the Internal Revenue Code of 1986 may authorize a charter school, if the organization:

(1) is registered with the attorney general's office;

(2) is incorporated in the state of Minnesota and has been operating continuously for at least five years but does not operate a charter school; and

(3) is not:

- (i) a nonpublic sectarian or religious institution;
- (ii) any person other than a natural person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the nonpublic sectarian or religious institution; or
- (iii) any other charitable organization under this paragraph that in the federal IRS Form 1023, Part IV, describes activities indicating a religious purpose.
- (d) A Minnesota private college that grants two- or four-year degrees and is registered with the Minnesota Office of Higher Education under chapter 136A may authorize a charter school, notwithstanding paragraph (c).
- (e) A state college or university governed by the Board of Trustees of the Minnesota State Colleges and Universities may authorize a charter school.
- (f) The University of Minnesota may authorize a charter school.
- (g) A nonprofit corporation subject to chapter 317A, described in section [317A.905](#) and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code of 1986, may authorize one or more charter schools if the charter school has operated for at least three years under a different authorizer and if the nonprofit corporation has existed for at least 25 years.
- (h) A single-purpose authorizer formed as a charitable, nonsectarian organization under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state of Minnesota under chapter 317A as a corporation with no members or under section [322C.1101](#) as a nonprofit limited liability company for the sole purpose of chartering schools may authorize a charter school. An eligible organization interested in being approved as an authorizer under this paragraph must submit a proposal to the commissioner that includes the provisions of subdivision 3 and a five-year financial plan. A single-purpose authorizer under this paragraph shall consider and approve charter school applications using the criteria under section [124E.06](#) and shall not limit the applications it solicits, considers, or approves to any single curriculum, learning program, or method.

Subd. 2. **Requirements for authorizers.** The authorizer must participate in department-approved training.

Subd. 3. **Application process.** (a) An eligible authorizer under this section must apply to the commissioner for approval as an authorizer before submitting any affidavit to the commissioner to charter a school. The application for approval as a charter school authorizer must show the applicant's ability to implement the procedures and satisfy the criteria for chartering a school under this chapter. The commissioner must approve or disapprove the application within 45 business days of the deadline for that application period. If the commissioner disapproves the application, the commissioner must notify the applicant of the specific deficiencies in writing and the applicant then has 20 business days to address the deficiencies to the commissioner's satisfaction. After the 20 business days expire, the commissioner has 15 business days to make a final decision to approve or disapprove the application. Failing to address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to be an authorizer. The commissioner, in establishing criteria to approve an authorizer, consistent with subdivision 4, must consider the applicant's:

- (1) infrastructure and capacity to serve as an authorizer;
- (2) application criteria and process;
- (3) contracting process;
- (4) ongoing oversight and evaluation processes; and
- (5) renewal criteria and processes.

(b) A disapproved applicant under this section may resubmit an application during a future application period.

Subd. 4. **Application content.** (a) To be approved as an authorizer, an applicant must include in its application to the commissioner at least the following:

- (1) how the organization carries out its mission by chartering schools;
- (2) a description of the capacity of the organization to serve as an authorizer, including the positions allocated to authorizing duties, the qualifications for those positions, the full-time equivalencies of those positions, and the financial resources available to fund the positions;
- (3) the application and review process the authorizer uses to decide whether to grant charters;
- (4) the type of contract it arranges with the schools it charters to meet the provisions of section [124E.10](#);
- (5) the process for overseeing the school, consistent with clause (4), to ensure that the schools chartered comply with applicable law and rules and the contract;
- (6) the criteria and process the authorizer uses to approve applications adding grades or sites under section [124E.06, subdivision 5](#);
- (7) the process for renewing or terminating the school's charter based on evidence showing the academic, organizational, and financial competency of the school, including its success in increasing student achievement and meeting the goals of the charter school agreement; and

(8) an assurance specifying that the organization is committed to serving as an authorizer until the commissioner terminates the organization's ability to authorize charter schools under subdivision 6 or the organization formally withdraws as an approved authorizer under subdivision 7.

(b) Notwithstanding paragraph (a), an authorizer that is a school district may satisfy the requirements of paragraph (a), clauses (1) and (2), and any requirement governing a conflict of interest between an authorizer and its charter schools or ongoing evaluation or continuing education of an administrator or other professional support staff by submitting to the commissioner a written promise to comply with the requirements.

Subd. 5. Review by commissioner. (a) The commissioner shall review an authorizer's performance every five years in a manner and form determined by the commissioner, subject to paragraphs (b) and (c), and may review an authorizer's performance more frequently at the commissioner's own initiative or at the request of a charter school operator, charter school board member, or other interested party. The commissioner, after completing the review, shall transmit a report with findings to the authorizer.

(b) Consistent with this subdivision, the commissioner must:

(1) use criteria appropriate to the authorizer and the schools it charters to review the authorizer's performance; and

(2) consult with authorizers, charter school operators, and other charter school stakeholders in developing review criteria under this paragraph.

(c) The commissioner's form must use existing department data on the authorizer to minimize duplicate reporting to the extent practicable. When reviewing an authorizer's performance under this subdivision, the commissioner must not:

(1) fail to credit;

(2) withhold points; or

(3) otherwise penalize an authorizer for failing to charter additional schools or for the absence of complaints against the authorizer's current portfolio of charter schools.

Subd. 6. Corrective action. (a) If, consistent with this chapter, the commissioner finds that an authorizer has not met the requirements of this chapter, the commissioner may subject the authorizer to a corrective action plan, which may last no longer than 130 business days. The commissioner may prohibit an authorizer on a corrective plan from accepting a transfer application from a charter school and an application to establish a charter school.

(b) The commissioner must notify the authorizer in writing that the authorizer has been placed on a corrective plan. The notice must include any findings that may subject the authorizer to corrective action at the conclusion of the corrective plan and the authorizer then has 15 business days to request an informal hearing before the commissioner takes corrective action. The commissioner must hold an informal hearing within 15 business days of the request. If the issues identified as the basis for the corrective action are not resolved at the informal hearing, the authorizer must make the requested improvements and notify the commissioner of the improvements within 45 business days. Within 20 business days, the commissioner must review the changes and notify the authorizer of any remaining issues to be resolved. An authorizer must address the remaining issues as directed by the commissioner within 20 business days. Within 15 business days, the commissioner must review the changes and notify the authorizer whether all issues in the corrective plan have been resolved.

(c) If the commissioner terminates the authorizer's ability to charter a school, the commissioner must assist the affected charter school in acquiring a new authorizer. A charter school board of directors may submit to the commissioner a request to transfer to a new authorizer without the approval or consent of the current authorizer if that authorizer has been under a corrective action plan for more than 130 business days.

(d) The commissioner may at any time take corrective action against an authorizer, including terminating an authorizer's ability to charter a school, terminating a contract with a charter school, and other appropriate sanctions for:

(1) failing to demonstrate the criteria under subdivision 3 under which the commissioner approved the authorizer;

(2) violating a term of the chartering contract between the authorizer and the charter school board of directors;

(3) unsatisfactory performance as an approved authorizer;

(4) any good cause shown that gives the commissioner a legally sufficient reason to take corrective action against an authorizer;

or

(5) failing to meet the terms of a corrective action plan by the specified deadline.

Subd. 7. Withdrawal. If the governing board of an approved authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause under subdivision 6, the authorizer must notify all its chartered schools and the commissioner in writing by March 1 of its intent to withdraw as an authorizer on June 30 in the next calendar year. Upon notification of the schools and commissioner, the authorizer must provide a letter to the school for distribution to families of students enrolled in the school that explains the decision to withdraw as an authorizer. The commissioner may approve the transfer of a charter school to a new authorizer under section 124E.10, subdivision 5.

Subd. 8. **Reports.** By September 30 of each year, an authorizer shall submit to the commissioner a statement of income and expenditures related to chartering activities during the previous school year ending June 30. The authorizer must transmit a copy of the statement to all schools it charters.

History: 1991 c 265 art 9 s 3; 1993 c 224 art 9 s 3; 1994 c 647 art 9 s 1; 1Sp1995 c 3 art 9 s 2; 1Sp1997 c 4 art 5 s 5; 1997 c 397 art 2 s 164; 1998 c 398 art 5 s 3; 1999 c 241 art 5 s 7; 2000 c 489 art 6 s 18; 1Sp2003 c 9 art 2 s 22; 2005 c 107 art 2 s 60; 2009 c 96 art 2 s 41; 2010 c 382 s 24; 2011 c 27 s 2; 1Sp2011 c 11 art 2 s 29; 2012 c 239 art 2 s 9; 2013 c 116 art 4 s 1; 2013 c 144 s 22; 2014 c 157 art 2 s 29; 2014 c 272 art 3 s 33; 1Sp2015 c 3 art 4 s 2, 10; 2016 c 135 art 4 s 7; 2016 c 189 art 26 s 4; art 28 s 1-4; 2017 c 40 art 1 s 122; 1Sp2017 c 5 art 2 s 40; 1Sp2021 c 13 art 4 s 2; 2023 c 55 art 6 s 4, 5

124E.06 FORMING A SCHOOL.

Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an application from a charter school developer, may charter either a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under subdivision 4.

(b) "Application" under this section means the charter school business plan a charter school developer submits to an authorizer for approval to establish a charter school. This application must include:

(1) the proposed school's:

(i) mission and vision statements;

(ii) purposes and goals;

(iii) educational program design and how the program will improve student learning, success, and achievement;

(iv) plan to address the social and emotional learning needs of students and student support services;

(v) plan to provide special education management and services;

(vi) plan for staffing the school with appropriately qualified and licensed personnel;

(vii) financial plan;

(viii) governance and management structure and plan;

(ix) market need and demand study; and

(x) plan for ongoing outreach and dissemination of information about the school's offerings and enrollment procedure to families that reflect the diversity of Minnesota's population and targeted groups under section 124E.17, subdivision 1, paragraph (a);

(2) the school developer's experience and background, including criminal history and bankruptcy background checks;

(3) any other information the authorizer requests; and

(4) a "statement of assurances" of legal compliance prescribed by the commissioner.

(c) An authorizer shall not approve an application submitted by a charter school developer under paragraph (a) if the application does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

Subd. 2. **Nonprofit corporation.** (a) The school must be organized and operated as a nonprofit corporation under chapter 317A and the provisions of that chapter shall apply to the school except as provided in this chapter.

The operators authorized to organize and operate a school must incorporate as a nonprofit corporation before entering into a contract or other agreement for professional or other services, goods, or facilities.

(b) Notwithstanding sections 465.717 and 465.719, a school district, subject to this chapter, may create a corporation for the purpose of establishing a charter school.

Subd. 3. **Requirements.** (a) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from ages five through 18 years. A charter school may provide instruction to people older than 18 years of age.

(b) A charter school may offer a free or fee-based preschool or prekindergarten that meets high-quality early learning instructional program standards aligned with Minnesota's early learning standards for children. The hours a student is enrolled in a fee-based prekindergarten program do not generate pupil units under section 126C.05 and must not be used to calculate general education revenue under section 126C.10.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. An authorizer may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) A charter school must not be used to provide education or generate revenue for home-schooled students. This paragraph does not apply to shared time aid under section 126C.19.

(e) This chapter does not provide a means to keep open a school that a school board decides to close. However, a school board may endorse or authorize establishing a charter school to replace the school the board decided to close. Applicants seeking a charter under this circumstance must demonstrate to the authorizer that the charter sought is substantially different in purpose and program from the school the board closed and that the proposed charter satisfies the requirements of section 124E.01, subdivision 1. If the school board that closed the school authorizes the charter, it must document in its affidavit to the commissioner that the charter is substantially different in program and purpose from the school it closed.

(f) A school authorized by a school board may be located in any district, unless the school board of the district of the proposed location disapproves the location by written resolution.

(g) Except as provided in paragraph (b), a charter school may not charge tuition.

(h) The authorizer may prevent an approved charter school from opening for operation if, among other grounds, the charter school violates this chapter or does not meet the ready-to-open standards that are part of (1) the authorizer's oversight and evaluation process or (2) stipulated in the charter school contract.

Subd. 4. Authorizer's affidavit; approval process. (a) Before an operator may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of the year the new charter school plans to serve students. The affidavit must state:

(1) the terms and conditions under which the authorizer would charter a school, including a market need and demand study; and

(2) how the authorizer intends to oversee:

(i) the fiscal and student performance of the charter school; and

(ii) compliance with the terms of the written contract between the authorizer and the charter school board of directors under section 124E.10, subdivision 1.

(b) The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. The commissioner must notify the authorizer of the commissioner's final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. An authorizer who fails to obtain the commissioner's approval is precluded from chartering the school that is the subject of this affidavit.

Subd. 5. Adding grades or sites. (a) A charter school may apply to the authorizer to amend the school charter to add grades or primary enrollment sites beyond those defined in the original affidavit approved by the commissioner. After approving the school's application, the authorizer shall submit a supplemental affidavit in the form and manner prescribed by the commissioner. The authorizer must file a supplemental affidavit to the commissioner by October 1 to be eligible to add grades or sites in the next school year. The supplemental affidavit must document to the authorizer's satisfaction:

(1) the need for the additional grades or sites with supporting long-range enrollment projections;

(2) a longitudinal record of student academic performance and growth on statewide assessments under chapter 120B or on other academic assessments that measure longitudinal student performance and growth approved by the charter school's board of directors and agreed upon with the authorizer;

(3) a history of sound school finances and a plan to add grades or sites that sustains the school's finances;

(4) board capacity to administer and manage the additional grades or sites; and

(5) for site expansion, a market need and demand study.

(b) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer in writing of any deficiencies in the supplemental affidavit and the authorizer then has 20 business days to address any deficiencies in the supplemental affidavit to the commissioner's satisfaction. The commissioner must notify the authorizer of final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. The school may not add grades or sites until the commissioner has approved the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

Subd. 6. Conversion of existing schools. A board of an independent or special school district may convert one or more of its existing schools to charter schools under this chapter if 60 percent of the full-time teachers at the school sign a petition seeking conversion. The conversion must occur at the beginning of an academic year.

Subd. 7. Merger. (a) Two or more charter schools may merge under chapter 317A. The effective date of a merger must be July 1. The merged school must continue under the identity of one of the merging schools. The authorizer and the merged school must execute a new charter contract under section 124E.10, subdivision 1, by July 1. The authorizer must submit to the commissioner a copy of the new signed charter contract within ten business days of executing the contract.

(b) Each merging school must submit a separate year-end report for the previous fiscal year for that school only. After the final fiscal year of the premerger schools is closed out, each of those schools must transfer the fund balances and debts to the merged school.

(c) For its first year of operation, the merged school is eligible to receive aid from programs requiring approved applications equal to the sum of the aid of all of the merging schools. For aids based on prior year data, the merged school is eligible to receive aid for its first year of operation based on the combined data of all of the merging schools.

History: 1991 c 265 art 9 s 3; 1992 c 499 art 12 s 1; 1993 c 224 art 9 s 2,4,5,7; 1Sp1995 c 3 art 9 s 2; 1Sp1997 c 4 art 5 s 6; 1998 c 397 art 2 s 2,3,6,164; art 11 s 3; 1998 c 398 art 5 s 55; 1999 c 241 art 5 s 8,9; 1Sp2001 c 6 art 2 s 21,23; 1Sp2003 c 9 art 2 s 23; 1Sp2005 c 5 art 2 s 59; 2007 c 146 art 2 s 23; 2009 c 96 art 2 s 41; 2010 c 382 s 25; 1Sp2011 c 11 art 2 s 29; 2012 c 239 art 1 s 20; 2013 c 116 art 4 s 1; 2014 c 272 art 3 s 35,38; 1Sp2015 c 3 art 4 s 1,3,4,7,10; 2016 c 189 art 26 s 5; 2023 c 55 art 6 s 6-8

124E.07 BOARD OF DIRECTORS.

Subdivision 1. **Initial board of directors.** Before entering into a contract or other agreement for professional or other services, goods, or facilities, the operators authorized to organize and operate a school must establish a board of directors composed of at least five members who are not related parties. The initial board continues to serve until a timely election for members of the ongoing charter school board of directors is held according to the school's articles and bylaws under subdivision 4.

Subd. 2. **Ongoing board of directors.** The ongoing board must be elected before the school completes its third year of operation. Board elections must be held during the school year but may not be conducted on days when the school is closed.

Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors shall have at least five nonrelated members and include: (1) at least one licensed teacher who is employed as a teacher at the school or provides instruction under contract between the charter school and a cooperative; (2) at least one parent or legal guardian of a student enrolled in the charter school who is not an employee of the charter school; and (3) at least one interested community member who resides in Minnesota, is not employed by the charter school, and does not have a child enrolled in the school. The board structure may include a majority of teachers under this paragraph or parents or community members, or it may have no clear majority. The chief financial officer and the chief administrator may only serve as ex-officio nonvoting board members. No charter school employees shall serve on the board other than teachers under clause (1). Contractors providing facilities, goods, or services to a charter school shall not serve on the board of directors of the charter school.

(b) An individual is prohibited from serving as a member of the charter school board of directors if: (1) the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities; or (2) an immediate family member is an employee of the school. An individual may serve as a member of the board of directors if no conflict of interest exists under this paragraph, consistent with this section.

(c) A violation of paragraph (b) renders a contract voidable at the option of the commissioner or the charter school board of directors. A member of a charter school board of directors who violates paragraph (b) is individually liable to the charter school for any damage caused by the violation.

(d) Any employee, agent, or board member of the authorizer who participates in initially reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school is ineligible to serve on the board of directors of a school chartered by that authorizer.

Subd. 4. **Board structure.** Board bylaws shall outline the process and procedures for changing the board's governance structure, consistent with chapter 317A. A board may change its governance structure only:

- (1) by a majority vote of the board of directors and a majority vote of the licensed teachers employed by the school as teachers, including licensed teachers providing instruction under a contract between the school and a cooperative; and
- (2) with the authorizer's approval.

Any change in board governance structure must conform with the board composition established under this section.

Subd. 5. **Eligible voters.** Staff members employed at the school, including teachers providing instruction under a contract with a cooperative, members of the board of directors, and all parents or legal guardians of children enrolled in the school are the voters eligible to elect the members of the school's board of directors. A charter school must notify eligible voters of the school board election dates at least 30 days before the election.

Subd. 6. **Duties.** The board of directors also shall decide and is responsible for policy matters related to operating the school, including budgeting, curriculum programming, personnel, and operating procedures. The board shall adopt a nepotism policy. The board shall adopt personnel evaluation policies and practices that, at a minimum:

- (1) carry out the school's mission and goals;
- (2) evaluate how charter contract goals and commitments are executed;
- (3) evaluate student achievement, postsecondary and workforce readiness, and student engagement and connection goals;

- (4) establish a teacher evaluation process under section 124E.03, subdivision 2, paragraph (h); and
- (5) provide professional development related to the individual's job responsibilities.

Subd. 7. **Training.** Every charter school board member shall attend annual training throughout the member's term. All new board members shall attend initial training on the board's role and responsibilities, employment policies and practices, and financial management. A new board member who does not begin the required initial training within six months after being seated and complete that training within 12 months after being seated is automatically ineligible to continue to serve as a board member. The school shall include in its annual report the training each board member attended during the previous year.

Subd. 8. **Meetings and information.** (a) Board of director meetings must comply with chapter 13D governing open meetings.

(b) A charter school shall publish and maintain on the school's official website: (1) the meeting minutes of the board of directors and of members and committees having board-delegated authority, for at least 365 days from the date of publication; (2) directory information for the board of directors and for the members of committees having board-delegated authority; and (3) identifying and contact information for the school's authorizer.

(c) A charter school must include identifying and contact information for the school's authorizer in other school materials it makes available to the public.

History: 1991 c 265 art 9 s 3; 1993 c 224 art 9 s 4; 1Sp1995 c 3 art 9 s 2; 1998 c 397 art 2 s 2,164; 1999 c 241 art 5 s 8; 1Sp2001 c 6 art 2 s 20,21; 2009 c 96 art 2 s 41; 1Sp2011 c 11 art 2 s 29; 2012 c 239 art 2 s 10; 2013 c 116 art 4 s 1; 2015 c 21 art 1 s 18; 1Sp2015 c 3 art 4 s 3,10; 2016 c 189 art 26 s 6

124E.08 CHARTER SCHOOL AND SCHOOL DISTRICT COLLABORATION.

(a) A charter school board may voluntarily enter into a two-year, renewable collaboration agreement with a school district in which the charter school is geographically located to enhance the achievement of the students in the district and the students in the charter school.

A school district does not need to be either an approved authorizer or the authorizer of the charter school to enter into a collaboration agreement under this section.

A charter school authorizer is prohibited from requiring a collaboration agreement as a condition of entering into or renewing a charter contract as defined in section 124E.10, subdivision 1.

(b) The collaboration agreement may include, but is not limited to, collaboration regarding facilities, transportation, training, student achievement, assessments, mutual performance standards, and other areas of mutual agreement.

(c) For purposes of student assessment and reporting to the state under section 120B.36, the school district may include the academic performance of the students of a collaborative charter school site under paragraph (a).

Districts, authorizers, or charter schools entering into a collaborative agreement are equally and collectively subject to the same state and federal accountability measures for student achievement, school performance outcomes, and school improvement strategies. The collaborative agreement and all accountability measures must be posted on the district, charter school, and authorizer websites.

(d) Nothing in this section or in the collaboration agreement may impact in any way the authority or autonomy of the charter school.

(e) Nothing in this section or in the collaboration agreement shall cause the state to pay twice for the same student, service, or facility or otherwise impact state funding or payment to the school district or the charter school.

History: 2012 c 239 art 2 s 15; 1Sp2015 c 3 art 4 s 10; 2016 c 189 art 26 s 7

124E.09 EXTENT OF SPECIFIC LEGAL AUTHORITY.

(a) The board of directors of a charter school may sue and be sued.

(b) The board may not levy taxes or issue bonds.

Funding gap - Bonds issued are by the ABC 124E.13

(c) The commissioner, an authorizer, members of the board of an authorizer in their official capacity, and employees of an authorizer are immune from civil or criminal liability with respect to all activities related to a charter school they approve or authorize. The board of directors shall obtain at least the amount of and types of insurance up to the applicable tort liability limits under chapter 466. The charter school board must submit a copy of the insurance policy to its authorizer before starting operations. The charter school board must submit changes in its insurance carrier or policy to its authorizer within 20 business days of the change.

(d) Notwithstanding section 3.736, the charter school shall assume full liability for its activities and indemnify and hold harmless the authorizer and its officers, agents, and employees from any suit, claim, or liability arising from any operation of the charter school and the commissioner and department officers, agents, and employees. A charter school is not required to indemnify or hold harmless a state employee if the state would not be required to indemnify and hold the employee harmless under section 3.736, subdivision 9.

History: 1991 c 265 art 9 s 3; 1Sp1995 c 3 art 9 s 2; 1998 c 397 art 2 s 21,164; art 11 s 3; 1998 c 398 art 5 s 55; 2009 c 96 art 2 s 41; 2010 c 382 s 29; 1Sp2011 c 11 art 2 s 29; 2013 c 116 art 4 s 1; 1Sp2015 c 3 art 4 s 10

POLICIES AND PROCEDURES

124E.10 CHARTER CONTRACT

In process now - OURS expires on June 30, 2025

Subdivision 1. **Contents.** (a) To authorize a charter school, the authorizer and the charter school board of directors must sign a written contract within 45 business days of the commissioner's approval of the authorizer's affidavit. The authorizer shall submit a copy of the charter contract to the commissioner within ten business days after the contract is signed by the contracting parties. The contract must include at least the following:

(1) a declaration that the charter school will carry out the primary purpose in section 124E.01, subdivision 1, and indicate how the school will report its implementation of the primary purpose to its authorizer;

(2) a declaration of the additional purpose or purposes in section 124E.01, subdivision 1, that the school intends to carry out and indicate how the school will report its implementation of those purposes to its authorizer;

(3) a description of the school program and the specific academic and nonacademic outcomes that pupils must achieve;

(4) a statement of the school's admission policies and procedures;

(5) a school governance, management, and administration plan;

(6) signed agreements from charter school board members to comply with the federal and state laws governing organizational, programmatic, and financial requirements applicable to charter schools;

(7) the criteria, processes, and procedures the authorizer will use to monitor and evaluate the fiscal, operational, and academic performance, consistent with subdivision 3, paragraphs (a) and (b);

(8) for contract renewal, the formal written performance evaluation that is a prerequisite for reviewing a charter contract under subdivision 3;

(9) types and amounts of insurance liability coverage the charter school must obtain, consistent with section 124E.03, subdivision 2, paragraph (d);

(10) consistent with section 124E.09, paragraph (d), a provision to indemnify and hold harmless from any suit, claim, or liability arising from any charter school operation:

(i) the authorizer and its officers, agents, and employees; and

(ii) notwithstanding section 3.736, the commissioner and department officers, agents, and employees;

(11) the term of the contract, which, for an initial contract, may be up to five years plus a preoperational planning period, or for a renewed contract or a contract with a new authorizer after a transfer of authorizers, may be up to five years, if warranted by the school's academic, financial, and operational performance;

(12) how the charter school board of directors or the charter school operators will provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, and a description of the financial parameters within which the charter school will provide the special instruction and services to children with a disability;

(13) the specific conditions for contract renewal that identify the performance of all students under the primary purpose of section 124E.01, subdivision 1, as the most important factor in determining whether to renew the contract; and

(14) the additional purposes under section 124E.01, subdivision 1, and related performance obligations under clause (7) contained in the charter contract as additional factors in determining whether to renew the contract.

(b) In addition to the requirements of paragraph (a), the charter contract must contain the plan for an orderly closing of the school under chapter 317A, that establishes the responsibilities of the school board of directors and the authorizer, whether the closure is a termination for cause, a voluntary termination, or a nonrenewal of the contract. The plan must establish who is responsible for:

(1) notifying the commissioner, school district in which the charter school is located, and parents of enrolled students about the closure;

(2) providing parents of enrolled students information and assistance to enable the student to re-enroll in another school;

(3) transferring student records under section 124E.03, subdivision 5, paragraph (b), to the student's resident school district; and

(4) closing financial operations.

(c) A charter school must design its programs to at least meet the outcomes adopted by the commissioner for public school students, including world's best workforce goals under section 120B.11, subdivision 1. In the absence of the commissioner's requirements governing state standards and benchmarks, the school must meet the outcomes contained in the contract with the authorizer. The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the commissioner for public school students.

Subd. 2. **Limits on charter school agreements.** (a) A school must disclose to the commissioner any potential contract, lease, or purchase of service from an authorizer. The contract, lease, or purchase must be accepted through an open bidding process and be

separate from the charter contract. The school must document the open bidding process. An authorizer must not enter into a contract to provide management and financial services to a school it authorizes, unless the school documents receiving at least two competitive bids.

(b) An authorizer must not condition granting or renewing a charter on:

- (1) the charter school being required to contract, lease, or purchase services from the authorizer; or
- (2) the bargaining unit status of school employees.

Subd. 3. Review and comment. (a) The authorizer shall provide a formal written evaluation of the school's performance before the authorizer renews the charter contract. The commissioner must review and comment on the authorizer's evaluation process at the time the authorizer submits its application for approval and each time the authorizer undergoes its five-year review under section 124E.05, subdivision 5.

(b) An authorizer shall monitor and evaluate the academic, financial, operational, and student performance of the school, and may assess a charter school a fee according to paragraph (c). The agreed-upon fee structure must be stated in the charter school contract.

(c) The fee that an authorizer may annually assess is the greater of:

- (1) the basic formula allowance for that year; or
- (2) the lesser of:
 - (i) the maximum fee factor times the basic formula allowance for that year; or
 - (ii) the fee factor times the basic formula allowance for that year times the charter school's adjusted pupil units for that year. The fee factor equals .015. The maximum fee factor equals 4.0.

(d) An authorizer may not assess a fee for any required services other than as provided in this subdivision.

(e) For the preoperational planning period, after a school is chartered, the authorizer may assess a charter school a fee equal to the basic formula allowance.

Subd. 4. Causes for nonrenewal or termination of charter school contract. (a) The duration of the contract with an authorizer must be for the term contained in the contract according to subdivision 1, paragraph (a). The authorizer may or may not renew a contract at the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally terminate a contract during the term of the contract for any ground listed in paragraph (b). At least 60 business days before not renewing or terminating a contract, the authorizer shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action in reasonable detail and describe the informal hearing process, consistent with this paragraph. The charter school's board of directors may request in writing an informal hearing before the authorizer within 15 business days after receiving notice of nonrenewal or termination of the contract. Failure by the board of directors to make a written request for an informal hearing within the 15-business-day period shall be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the authorizer shall give ten business days' notice to the charter school's board of directors of the hearing date. The authorizer shall conduct an informal hearing before taking final action. The authorizer shall take final action to renew or not renew a contract no later than 20 business days before the proposed date for terminating the contract or the end date of the contract.

(b) An authorizer may terminate or not renew a contract upon any of the following grounds:

- (1) failure to demonstrate satisfactory academic achievement for all students, including the requirements for pupil performance contained in the contract;
- (2) failure to meet generally accepted standards of fiscal management;
- (3) violations of law; or
- (4) other good cause shown.

If the authorizer terminates or does not renew a contract under this paragraph, the school must be dissolved according to the applicable provisions of chapter 317A.

(c) The commissioner, after providing reasonable notice to the board of directors of a charter school and the existing authorizer, and after providing an opportunity for a public hearing, may terminate the existing contract between the authorizer and the charter school board if the charter school has a history of:

- (1) failure to meet pupil performance requirements, consistent with state law;
- (2) financial mismanagement or failure to meet generally accepted standards of fiscal management; or
- (3) repeated or major violations of the law.

Subd. 5. Mutual nonrenewal. If the authorizer and the charter school board of directors mutually agree not to renew the contract, or if the governing board of an approved authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause under subdivision 4, a change in authorizers is allowed. The authorizer and the school board must jointly submit a written and signed letter of their intent to the commissioner to mutually not renew the contract. The authorizer that is a party to the existing contract must inform the proposed authorizer about the fiscal, operational, and student performance status of the school, including

unmet contract outcomes and other outstanding contractual obligations. The charter contract between the proposed authorizer and the school must identify and provide a plan to address any outstanding obligations from the previous contract. The proposed authorizer must submit the proposed contract at least 105 business days before the end of the existing charter contract. The commissioner has 30 business days to review and make a determination on the change in authorizer. The proposed authorizer and the school have 15 business days to respond to the determination and address any issues identified by the commissioner. The commissioner must make a final determination no later than 45 business days before the end of the current charter contract. If the commissioner does not approve a change in authorizer, the school and the current authorizer may withdraw their letter of nonrenewal and enter into a new contract. If the commissioner does not approve a change in authorizer and the current authorizer and the school do not withdraw their letter and enter into a new contract, the school must be dissolved according to applicable law and the terms of the contract.

Subd. 6. Pupil enrollment upon nonrenewal or termination of charter school contract. (a) If a contract is not renewed or is terminated according to subdivision 4 or 5, a pupil who attended the school, siblings of the pupil, or another pupil who resides with the pupil may enroll in the resident district or may submit an application to a nonresident district according to section 124D.03 governing open enrollment at any time. Applications and notices required by section 124D.03 must be processed and provided in a prompt manner. The application and notice deadlines in section 124D.03 do not apply under these circumstances.

(b) Within ten business days of closing the charter school, the closed school must transfer the student's educational records to the student's school district of residence where the records must be retained or transferred under section 120A.22, subdivision 7.

History: 1991 c 265 art 9 s 3; 1993 c 224 art 9 s 6,12; 1Sp1995 c 3 art 9 s 2; 1Sp1997 c 4 art 5 s 7,8; 1998 c 397 art 2 s 2,4,8,13,19,20,164; art 11 s 3; 1998 c 398 art 2 s 4; art 5 s 55; 1999 c 241 art 5 s 10; 2000 c 489 art 6 s 22,23; 1Sp2001 c 6 art 2 s 24; 2003 c 130 s 12; 1Sp2005 c 5 art 2 s 60-62; 2007 c 146 art 2 s 25; 2009 c 96 art 2 s 41; 2010 c 382 s 27,28; 1Sp2011 c 11 art 2 s 29; 2012 c 187 art 1 s 18; 2012 c 239 art 2 s 11,13; 2013 c 116 art 4 s 1; 2013 c 144 s 11; 2014 c 272 art 3 s 36; 1Sp2015 c 3 art 4 s 3,10; 2016 c 189 art 26 s 8; art 28 s 5,6; 2023 c 55 art 6 s 9

124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.

(a) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

- (1) pupils within an age group or grade level;
- (2) pupils who are eligible to participate in the graduation incentives program under section 124D.68; or
- (3) residents of a specific geographic area in which the school is located when the majority of students served by the school are members of underserved populations.

We used to allow WI residents

(b) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), must enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. The charter school must develop and publish, including on its website, a lottery policy and process that it must use when accepting pupils by lot.

(c) Admission to a charter school must be free to any eligible pupil who resides within the state. A charter school must give enrollment preference to a Minnesota resident pupil over pupils that do not reside in Minnesota. A charter school must require a pupil who does not reside in Minnesota to annually apply to enroll in accordance with paragraphs (a) to (f). A charter school must give enrollment preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school's staff before accepting other pupils by lot. A charter school that is located in Duluth township in St. Louis County and admits students in kindergarten through grade 6 must give enrollment preference to students residing within a five-mile radius of the school and to the siblings of enrolled children.

(d) A person may not be admitted to a charter school: (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that a charter school may establish and publish on its website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).

(e) Except as permitted in paragraphs (d) and (i), a charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not establish any criteria or requirements for admission that are inconsistent with this section.

(f) The charter school must not distribute any services or goods of value to students, parents, or guardians as an inducement, term, or condition of enrolling a student in a charter school.

(g) Once a student who resides in Minnesota is enrolled in the school in kindergarten through grade 12, or in the school's free preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), the student is considered enrolled in the school until the student formally withdraws or is expelled under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56.

(h) A charter school with at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf or hard-of-hearing may enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1, paragraph (a), and must comply with the federal Individuals with Disabilities Education Act under Code of Federal Regulations, title

34, section 300.324, subsection (2), clause (iv).

(i) A charter school serving at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing may give enrollment preference to students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing. The charter school may not limit admission based on the student's eligibility for additional special education services.

History: 1991 c 265 art 9 s 3; 1993 c 224 art 9 s 8; 1Sp1995 c 3 art 9 s 2; 1996 c 412 art 4 s 2; 1998 c 397 art 2 s 7,164; art 11 s 3; 2000 c 489 art 6 s 20; 2009 c 96 art 2 s 41; 1Sp2011 c 11 art 2 s 29; 2013 c 116 art 4 s 1; 2014 c 272 art 3 s 38,39; 1Sp2015 c 3 art 4 s 4,10; 1Sp2017 c 5 art 2 s 41; 2018 c 182 art 1 s 32; 2023 c 55 art 6 s 10

124E.12 EMPLOYMENT.

Subdivision 1. Teachers. A charter school, excluding its preschool or prekindergarten program established under section 124E.06, subdivision 3, must employ or contract with necessary teachers, as defined by section 122A.06, subdivision 2, or contract with a cooperative formed under chapter 308A to provide necessary teachers, who hold valid licenses to perform the particular service for which they are employed in the school. A charter school's preschool or prekindergarten program must employ or contract with teachers knowledgeable in early childhood curriculum content, assessment, native and English language programs, and instruction established under section 124E.06, subdivision 3. The commissioner may reduce the charter school's state aid under section 127A.43 if the school employs a teacher who is not appropriately licensed or approved by the Professional Educator Licensing and Standards Board. The school may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. The charter school board is subject to section 181.932 governing whistle-blowers. When offering employment to a prospective employee, a charter school must give that employee a written description of the terms and conditions of employment and the school's personnel policies.

Subd. 2. Administrators. (a) A person, without holding a valid administrator's license, may perform administrative, supervisory, or instructional leadership duties. The board of directors shall establish qualifications for all persons who hold administrative, supervisory, or instructional leadership roles. The qualifications shall cover at least: instruction and assessment; human resource and personnel management; financial management; legal and compliance management; effective communication; and board, authorizer, and community relationships. The board of directors shall use those qualifications as the basis for job descriptions, hiring, and performance evaluations of those who hold administrative, supervisory, or instructional leadership roles.

(b) The board of directors and an individual who does not hold a valid administrative license and who serves in an administrative, supervisory, or instructional leadership position shall develop a professional development plan. The school's annual report must include public personnel information documenting the professional development plan.

Subd. 3. Collective bargaining. Employees of the board of directors of a charter school may, if otherwise eligible, organize under chapter 179A and comply with its provisions. The board of directors of a charter school is a public employer, for the purposes of chapter 179A, when forming one or more bargaining units at the school. Bargaining units at the school must be separate from any other units within an authorizing district, except that bargaining units may remain part of the appropriate unit within an authorizing district if the employees of the school, the board of directors of the school, the exclusive representative of the appropriate unit in the authorizing district, and the board of the authorizing district agree to include the employees in the appropriate unit of the authorizing district. The board of directors of a charter school with employees organized under this subdivision must comply with sections 471.6161 governing group insurance and 471.895 governing gifts.

Subd. 4. Teacher and other employee retirement. (a) Teachers in a charter school must be public school teachers for the purposes of chapters 354 and 354A governing the Teacher Retirement Act.

(b) Except for teachers under paragraph (a), employees in a charter school must be public employees for the purposes of chapter 353 governing the Public Employees Retirement Act.

Subd. 5. Group health insurance. (a) A charter school board with at least 25 employees or a teacher cooperative of licensed teachers providing instruction under a contract between a school and a cooperative that provides group health insurance coverage shall:

- (1) request proposals for group health insurance coverage from a minimum of three sources at least every two years; and
- (2) notify employees covered by the group health insurance coverage before the effective date of the changes in the group coverage policy contract.

(b) A charter school board or a cooperative of teachers that provides group health insurance coverage must establish and publish on its website the policy for purchasing group health insurance coverage. A charter school board policy must include a sealed proposal process, which requires all proposals to be opened at the same time. Upon opening the proposals according to the school or cooperative policy, the proposals become public data under chapter 13.

Nothing in this subdivision supersedes the right of an exclusive representative to negotiate the terms and conditions of employment.

Subd. 6. Leave to teach in a charter school. If a teacher employed by a district makes a written request for an extended leave of absence to teach at a charter school, the district must grant the leave. The district must grant a leave not to exceed a total of five

years. Any request to extend the leave shall be granted only at the discretion of the school board. The district may require a teacher to make the request for a leave or extension of leave before February 1 in the school year preceding the school year in which the teacher intends to leave, or February 1 of the calendar year in which the teacher's leave is scheduled to terminate. Except as otherwise provided in this subdivision and section 122A.46, subdivision 7, governing employment in another district, the leave is governed by section 122A.46, including, but not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

During a leave, the teacher may continue to aggregate benefits and credits in the Teachers' Retirement Association account under chapters 354 and 354A, consistent with subdivision 4.

History: 1991 c 265 art 9 s 3; 1993 c 224 art 9 s 9; 1Sp1995 c 3 art 9 s 2; 1Sp1997 c 4 art 5 s 9; 1998 c 397 art 2 s 9, 16-18, 164; art 11 s 3; 1999 c 241 art 5 s 11; 2000 c 489 art 6 s 21; 1Sp2003 c 9 art 2 s 25; 2009 c 96 art 2 s 41; 2014 c 279 s 6, 7; 1Sp2015 c 3 art 4 s 10; 2016 c 189 art 26 s 9; 1Sp2017 c 5 art 12 s 22; 2023 c 55 art 6 s 11

124E.13 FACILITIES.

Subdivision 1. **Leased space.** A charter school may lease space from: an independent or special school board; other public organization; private, nonprofit, nonsectarian organization; private property owner; or a sectarian organization if the leased space is constructed as a school facility. In all cases, the eligible lessor must also be the building owner. The commissioner must review and approve or disapprove leases in a timely manner to determine eligibility for lease aid under section 124E.22.

Subd. 2. **Related party lease costs.** (a) A charter school must not enter into a lease of real property with a related party unless the lessor is a nonprofit corporation under chapter 317A or a cooperative under chapter 308A, and the lease cost is reasonable under section 124E.22, paragraph (a), clause (1).

(b) A related party permitted to enter into a lease under paragraph (a) must include the following statement in the lease: "This lease is subject to Minnesota Statutes, section 124E.13, subdivision 2."

(c) If a charter school leases space from a related party and the charter school subsequently closes, the commissioner has the right to recover from the related party any lease payments in excess of those that are reasonable under section 124E.22, paragraph (a), clause (1).

* Subd. 3. **Affiliated nonprofit building corporation.** (a) An affiliated nonprofit building corporation may purchase, expand, or renovate an existing facility to serve as a school or may construct a new school facility. One charter school may organize an affiliated nonprofit building corporation that serves only that charter school if the charter school:

- (1) has operated for at least six consecutive years;
- (2) as of June 30, has a net positive unreserved general fund balance in the preceding three fiscal years;
- (3) has long-range strategic and financial plans that include enrollment projections for at least five years;
- (4) completes a feasibility study of facility options that outlines the benefits and costs of each option; and
- (5) has a plan that describes project parameters and budget.

(b) An affiliated nonprofit building corporation under this subdivision must:

- (1) be incorporated under chapter 317A;
- (2) comply with applicable Internal Revenue Service regulations, including regulations for "supporting organizations" as defined by the Internal Revenue Service;
- (3) post on the school website the name, mailing address, bylaws, minutes of board meetings, and names of the current board of directors of the affiliated nonprofit building corporation;
- (4) submit to the commissioner a copy of its annual audit by December 31 of each year; and
- (5) comply with government data practices law under chapter 13.

(c) An affiliated nonprofit building corporation must not serve as the leasing agent for property or facilities it does not own. A charter school that leases a facility from an affiliated nonprofit building corporation that does not own the leased facility is ineligible to receive charter school lease aid. The state is immune from liability resulting from a contract between a charter school and an affiliated nonprofit building corporation.

(d) The board of directors of the charter school must ensure the affiliated nonprofit building corporation complies with all applicable legal requirements. The charter school's authorizer must oversee the efforts of the board of directors of the charter school to ensure legal compliance of the affiliated building corporation. A school's board of directors that fails to ensure the affiliated nonprofit building corporation's compliance violates its responsibilities and an authorizer must consider that failure when evaluating the charter school.

Subd. 4. **Positive review and comment.** If the amount of a purchase agreement or construction contract exceeds the review and comment threshold, a charter school or its affiliated nonprofit building corporation must receive a positive review and comment from the commissioner before initiating any purchase agreement or construction contract. Without a positive review and comment from the commissioner, a purchase agreement or construction contract under this subdivision is null and void. For purposes of this subdivision,

Done this a couple of times 2013, 2017

"review and comment threshold" means the dollar amount specified in section 123B.71, subdivision 8, applicable to a school entity that is not a recipient of a maximum effort capital loan.

History: 1991 c 265 art 9 s 3; 1993 c 224 art 9 s 10; 1994 c 647 art 9 s 2; 1Sp1995 c 3 art 9 s 2; art 16 s 13; 1998 c 397 art 2 s 164; 1Sp2001 c 6 art 2 s 25; 2003 c 130 s 12; 1Sp2003 c 9 art 12 s 11; 2007 c 146 art 2 s 24; 2009 c 96 art 2 s 41; 1Sp2011 c 11 art 2 s 29; 2012 c 239 art 2 s 14; 2013 c 116 art 4 s 1; 2014 c 272 art 3 s 40,41; 1Sp2015 c 3 art 4 s 10; 2016 c 189 art 26 s 10; 2023 c 55 art 6 s 12,13

124E.14 CONFLICTS OF INTEREST.

(a) No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when:

- (1) the board member, employee, officer, or agent;
- (2) the immediate family of the board member, employee, officer, or agent;
- (3) the partner of the board member, employee, officer, or agent; or
- (4) an organization that employs, or is about to employ any individual in clauses (1) to (3),

has a financial or other interest in the entity with which the charter school is contracting. A violation of this prohibition renders the contract void.

(b) The conflict of interest provisions under this section do not apply to compensation paid to a teacher employed as a teacher by the charter school or a teacher who provides instructional services to the charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

(c) A charter school board member, employee, or officer is a local official for purposes of section 471.895 with regard to receipt of gifts as defined under section 10A.071, subdivision 1, paragraph (b). A board member, employee, or officer must not receive compensation from a group health insurance provider.

History: 1Sp2001 c 6 art 2 s 20; 2009 c 96 art 2 s 41; 2013 c 116 art 4 s 1; 2014 c 279 s 5; 1Sp2015 c 3 art 4 s 10

124E.15 TRANSPORTATION.

(a) A charter school must comply with all pupil transportation requirements in section 123B.88, subdivision 1. A charter school must not require parents to surrender their rights to pupil transportation under section 123B.88, subdivision 2.

(b) A charter school must notify the district in which the school is located and the commissioner by July 1 of its first fiscal year of operation if it will provide its own transportation or use the transportation services of the district in which it is located. For each subsequent year of operation, a charter school must give that district and the commissioner notice by March 1 for the following fiscal year.

(c) If a charter school elects to provide transportation for pupils, the charter school must provide the transportation within the district in which the charter school is located. The state must pay transportation aid to the charter school according to section 124E.23.

(d) For pupils who reside outside the district in which the charter school is located, the charter school is not required to provide or pay for transportation between the pupil's residence and the border of the district in which the charter school is located. The charter school may reimburse a parent for costs of transportation from the pupil's residence to the border of the district in which the charter school is located if the pupil is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week.

(e) If a charter school does not elect to provide transportation, the district in which the school is located must provide transportation, according to sections 123B.88, subdivision 6, governing transporting nonresident pupils, and 124D.03, subdivision 8, for a pupil residing in the same district in which the charter school is located. The district in which the charter school is located may provide transportation, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, governing open enrollment transportation, for a pupil residing in a different district. If the district provides the transportation, the scheduling of routes, manner and method of transportation, control and discipline of the pupils, and any other matter relating to the transportation of pupils under this paragraph is within the sole discretion, control, and management of the district.

(f) The charter school must provide the parent or guardian with information about transportation when a pupil enrolls.

History: 1991 c 265 art 9 s 3; 1Sp1995 c 3 art 9 s 2; 1998 c 397 art 2 s 14,164; art 11 s 3; 2003 c 130 s 12; 1Sp2003 c 9 art 2 s 24; 2006 c 263 art 2 s 15; 2014 c 272 art 3 s 38; 1Sp2015 c 3 art 4 s 4,10; 2016 c 189 art 26 s 11

124E.16 REPORTS.

Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district, except as required under this subdivision. Audits must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing auditing procedures. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06 governing government property and financial investments; and sections 471.38; 471.391; 471.392; and 471.425 governing municipal contracting.

The audit must comply with the requirements of sections [123B.75](#) to [123B.83](#) governing school district finance, except when the commissioner and authorizer approve a deviation made necessary because of school program finances. The commissioner, state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance audits. A charter school in statutory operating debt under sections [123B.81](#) to [123B.83](#) must submit a plan under section [123B.81, subdivision 4](#).

(b) The charter school must submit an audit report to the commissioner and its authorizer annually by December 31.

(c) The charter school, with the assistance of the auditor conducting the audit, must include with the report, as supplemental information: (1) a copy of a new management agreement or an amendment to a current agreement with a CMO or EMO signed during the audit year; and (2) a copy of a service agreement or contract with a company or individual totaling over five percent of the audited expenditures for the most recent audit year. The agreements must detail the terms of the agreement, including the services provided and the annual costs for those services.

(d) A charter school independent audit report shall include audited financial data of an affiliated building corporation under section [124E.13, subdivision 3](#), or other component unit.

(e) If the audit report finds that a material weakness exists in the financial reporting systems of a charter school, the charter school must submit a written report to the commissioner explaining how the charter school will resolve that material weakness. An auditor, as a condition of providing financial services to a charter school, must agree to make available information about a charter school's financial audit to the commissioner and authorizer upon request.

Subd. 2. Annual public reports. (a) A charter school must publish an annual report approved by the board of directors. The annual report must at least include information on school enrollment, student attrition, governance and management, staffing, finances, management agreements with a CMO or EMO, academic performance, innovative practices and implementation, and future plans. A charter school may combine this report with the reporting required under section [120B.11](#) governing the world's best workforce. A charter school must post the annual report on the school's official website. A charter school also must distribute the annual report by publication, mail, or electronic means to its authorizer, school employees, and parents and legal guardians of students enrolled in the charter school. The reports are public data under chapter 13.

(b) An authorizer must submit an annual public report in a manner specified by the commissioner by January 15 for the previous school year ending June 30 that shall at least include key indicators of school academic, operational, and financial performance. The report is part of the system to evaluate authorizer performance under section [124E.05, subdivision 5](#).

Subd. 3. Public accounting and reporting CMO and EMO agreements. (a) A charter school that enters into a management agreement with a CMO or EMO must:

(1) publish on the charter school website for at least 20 business days the proposed final agreement for public review and comment before the school board may adopt the contract or agreement. Any changes made to the posted agreement during the public review period or any proposed amendments to the agreement once adopted must be posted for 20 business days before the board may adopt the amendments to the contract;

(2) annually publish on the charter school website a statement of assurance that no member of the school board, staff, or any agent of the school has been promised or received any form of compensation or gifts from the CMO or EMO and that no board member, employee, or agent of the CMO or EMO or any of the organization affiliates or providers serve on the charter school board; and

(3) conduct an independent review and evaluation of the services provided by the CMO or EMO and publish the evaluation on the school's website at least 30 business days before the end of the current contract.

(b) A management agreement with a CMO or EMO must contain the following:

(1) the term of the contract, not to exceed five years;

(2) the total dollar value of the contract including the annual projected costs of services;

(3) a description and terms of the services to be provided during the term of the contract;

(4) notice that a charter school closure during the term of the contract by action of the authorizer or the school's board results in the balance of the current contract becoming null and void;

(5) an annual statement of assurance to the charter school board that the CMO or EMO provided no compensation or gifts to any charter school board member, staff member, or agent of the charter school;

(6) an annual statement of assurance that no charter school board member, employee, contractor, or agent of the CMO or EMO or any affiliated organization is a board member of the charter school or any other charter school;

(7) the policies and protocols that meet federal and state laws regarding student and personnel data collection, usage, access, retention, disclosure and destruction, and indemnification and warranty provisions in case of data breaches by the CMO or EMO; and

(8) an annual assurance that all assets purchased on behalf of the charter school using public funds remain assets of the school.

(c) The CMO or EMO must annually provide the charter school board a financial report by July 31 that accounts for income and expenditures for the previous fiscal year using the account categories in uniform financial accounting and reporting standards.

(d) Any agreement with a CMO or EMO containing any of the following provisions is null and void:

- (1) restrictions on the charter school's ability to operate a school upon termination of the agreement;
- (2) restrictions on the annual or total amount of the school's operating surplus or fund balance;
- (3) authorization to allow a CMO or EMO to withdraw funds from a charter school account; or
- (4) authorization to allow a CMO or EMO to loan funds to the charter school.

(e) A CMO or EMO or its affiliates, employees, or agents may not contract with, be employed by, or serve on the board of an authorizer. An authorizer or its affiliates, employees, or agents may not contract with, be employed by, serve as a paid consultant for, or serve as a board member of a CMO or EMO.

History: 1991 c 265 art 9 s 3; 1993 c 224 art 14 s 16; 1994 c 465 art 2 s 1; 1Sp1995 c 3 art 9 s 2; art 16 s 13; 1998 c 397 art 2 s 6,12,164; art 11 s 3; 1998 c 398 art 5 s 55; 2000 c 489 art 6 s 19; 1Sp2001 c 6 art 2 s 22,23; 2003 c 130 s 12; 2009 c 96 art 2 s 41; 2010 c 382 s 27; 1Sp2011 c 11 art 2 s 29; 2013 c 116 art 4 s 1; 2014 c 272 art 3 s 37; 1Sp2015 c 3 art 4 s 4,6,10; 2016 c 189 art 26 s 12; art 28 s 7; 2023 c 55 art 6 s 14

124E.17 DISSEMINATION OF INFORMATION.

Subdivision 1. Charter school information. (a) Charter schools must disseminate information about how to use the charter school offerings to targeted groups, among others. Targeted groups include low-income families and communities, students of color, and students who are at risk of academic failure.

(b) Authorizers and the commissioner must disseminate information to the public on how to form and operate a charter school. Authorizers, operators, and the commissioner also may disseminate information to interested stakeholders about the successful best practices in teaching and learning demonstrated by charter schools.

Subd. 2. Financial information. Upon request of an individual, the charter school must make available in a timely fashion financial statements showing all operations and transactions affecting the school's income, surplus, and deficit during the last annual accounting period; and a balance sheet summarizing assets and liabilities on the closing date of the accounting period. A charter school also must include that same information about its authorizer in other school materials that it makes available to the public.

History: 1991 c 265 art 9 s 3; 1993 c 224 art 9 s 11; 1Sp1995 c 3 art 9 s 2; art 16 s 13; 1998 c 397 art 2 s 164; 2003 c 130 s 12; 2009 c 96 art 2 s 41; 2012 c 239 art 2 s 10; 2013 c 116 art 4 s 1; 1Sp2015 c 3 art 4 s 3,10; 2016 c 189 art 26 s 13

FINANCE

124E.20 GENERAL EDUCATION REVENUE.

Subdivision 1. Revenue calculation. (a) General education revenue must be paid to a charter school as though it were a district. The general education revenue for each adjusted pupil unit is the state average general education revenue per pupil unit, plus the referendum equalization aid allowance and first tier local optional aid allowance in the pupil's district of residence, minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0466, calculated without declining enrollment revenue, local optional revenue, basic skills revenue, extended time revenue, pension adjustment revenue, transition revenue, and transportation sparsity revenue, plus declining enrollment revenue, basic skills revenue, pension adjustment revenue, and transition revenue as though the school were a school district.

(b) For a charter school operating an extended day, extended week, or summer program, the general education revenue in paragraph (a) is increased by an amount equal to 25 percent of the statewide average extended time revenue per adjusted pupil unit.

(c) Notwithstanding paragraph (a), the general education revenue for an eligible special education charter school as defined in section 124E.21, subdivision 2, equals the sum of the amount determined under paragraph (a) and the school's unreimbursed cost as defined in section 124E.21, subdivision 2, for educating students not eligible for special education services.

Subd. 2. Use of total operating capital revenue. Notwithstanding section 126C.10, subdivision 14, a charter school may use total operating capital revenue for any purpose related to the school.

History: 1991 c 265 art 9 s 43; 1Sp1995 c 3 art 8 s 4; 1996 c 412 art 7 s 5,7; 1998 c 397 art 2 s 89,164; art 11 s 3; 1998 c 398 art 1 s 10; 1999 c 241 art 1 s 2; 2000 c 489 art 2 s 4; 1Sp2003 c 9 art 2 s 26; 1Sp2005 c 5 art 2 s 63; 2013 c 116 art 4 s 2; 2014 c 312 art 15 s 5; 1Sp2015 c 3 art 1 s 1; art 4 s 10; art 5 s 4; 1Sp2019 c 11 art 1 s 9

124E.21 SPECIAL EDUCATION AID.

Subdivision 1. Special education aid. (a) Except as provided in section 124E.23, special education aid, excluding cross subsidy reduction aid under section 125A.76, subdivision 2e, must be paid to a charter school according to section 125A.76, as though it were a school district.

(b) For fiscal year 2020 and later, the special education aid paid to the charter school shall be adjusted as follows:

(1) if the charter school does not receive general education revenue on behalf of the student according to section 124E.20, the aid shall be adjusted as provided in section 125A.11; or

(2) if the charter school receives general education revenue on behalf of the student according to section 124E.20, the aid shall be adjusted as provided in section 127A.47, subdivision 7, paragraphs (b) to (e), and if the tuition adjustment is computed under section 127A.47, subdivision 7, paragraph (c), it shall also receive an adjustment equal to five percent for fiscal year 2020 or ten percent for fiscal year 2021 and later of the unreimbursed cost of providing special education and services for the student.

Subd. 2. **Definitions.** (a) For purposes of subdivision 3, the terms in this subdivision have the meanings given.

(b) "Unreimbursed costs" means the difference between the total cost of educating students at the school and the total of state and federal aids and grants, excluding aid under subdivision 3 and section 124E.20, subdivision 1, paragraph (c).

(c) "Eligible special education charter school" means a charter school:

(1) where the percent of students eligible for special education services equals at least 90 percent of the charter school's total enrollment; and

(2) that submits to the commissioner a preliminary annual budget by June 15 prior to the start of the fiscal year and a revised budget by January 15 of the current fiscal year detailing its unreimbursed costs for educating students eligible and not eligible for special education services.

Subd. 3. **Special education aid for eligible special education charter schools.** (a) Notwithstanding subdivision 1, the special education aid for an eligible special education charter school equals the sum of the school's special education aid under subdivision 1, paragraph (a), and the school's approved unreimbursed cost for educating students eligible for special education services.

(b) The commissioner must review the budget data submitted by an eligible special education charter school under subdivision 2 and notify the school of the approved unreimbursed cost to be used for current aid payments within 30 days of receiving the budget from the school.

(c) For purposes of section 127A.45, subdivision 13, the aid under this subdivision is not subject to the 97.4 percent current fiscal year special education aid entitlement provision.

(d) Final aid payments must be calculated using the actual unreimbursed costs as determined by the department based on year-end financial and student data submitted by the charter school.

History: 1991 c 265 art 9 s 43; 1994 c 647 art 3 s 11; 1Sp1995 c 3 art 8 s 4; 1996 c 412 art 7 s 8; 1997 c 7 art 1 s 52; 1Sp1997 c 4 art 2 s 4; 1998 c 397 art 2 s 91,164; art 11 s 3; 2000 c 254 s 17; 1Sp2001 c 6 art 8 s 2; 1Sp2005 c 5 art 3 s 5; 2013 c 116 art 5 s 2; 1Sp2015 c 3 art 4 s 10; art 5 s 5-7; 1Sp2019 c 11 art 4 s 1

124E.22 BUILDING LEASE AID.

(a) When a charter school finds it economically advantageous to rent or lease a building or land for any instructional purpose and it determines that the total operating capital revenue under section 126C.10, subdivision 13, is insufficient for this purpose, it may apply to the commissioner for building lease aid. The commissioner must review and either approve or deny a lease aid application using the following criteria:

(1) the reasonableness of the price based on current market values;

(2) the extent to which the lease conforms to applicable state laws and rules; and

(3) the appropriateness of the proposed lease in the context of the space needs and financial circumstances of the charter school. The commissioner must approve aid only for a facility lease that has (i) a sum certain annual cost and (ii) a closure clause to relieve the charter school of its lease obligations at the time the charter contract is terminated or not renewed. The closure clause under item (ii) must not be constructed or construed to relieve the charter school of its lease obligations in effect before the charter contract is terminated or not renewed.

(b) A charter school must not use the building lease aid it receives for custodial, maintenance service, utility, or other operating costs.

(c) The amount of annual building lease aid for a charter school shall not exceed the lesser of (1) 90 percent of the approved cost or (2) the product of the charter school building lease aid pupil units served for the current school year times \$1,314.

(d) A charter school's building lease aid pupil units equals the sum of the charter school pupil units under section 126C.05 and the pupil units for the portion of the day that the charter school's enrolled students are participating in the Postsecondary Enrollment Options Act under section 124D.09 and not otherwise included in the pupil count under section 126C.05.

History: 1Sp1997 c 4 art 5 s 13; 1998 c 397 art 2 s 164; art 11 s 3; 1998 c 398 art 1 s 12; 1999 c 241 art 5 s 12; 1Sp2001 c 6 art 2 s 27; 1Sp2003 c 9 art 2 s 28; 1Sp2011 c 11 art 2 s 30; 2013 c 116 art 4 s 4; 2014 c 272 art 3 s 42; 1Sp2015 c 3 art 4 s 10; 2016 c 189 art 26 s 14; 1Sp2017 c 5 art 2 s 42

124E.23 TRANSPORTATION REVENUE.

Transportation revenue must be paid to a charter school that provides transportation services according to section 124E.15, according to this section. Transportation aid shall equal transportation revenue.

In addition to the revenue under section [124E.20](#), a charter school providing transportation services must receive general education aid equal to the sum of the product of (1) an amount equal to the product of the formula allowance according to section [126C.10, subdivision 2](#), times .0466, plus the transportation sparsity allowance for the school district in which the charter school is located times (2) the adjusted pupil units, plus the product of \$223 times the extended time pupil units.

History: [1Sp1995 c 3 art 8 s 4](#); [1996 c 412 art 7 s 6](#); [1998 c 397 art 2 s 90,164](#); [art 11 s 3](#); [1998 c 398 art 1 s 11](#); [1Sp2003 c 9 art 2 s 27](#); [1Sp2005 c 5 art 2 s 64](#); [2013 c 116 art 4 s 3](#); [1Sp2015 c 3 art 4 s 10](#)

124E.24 OTHER AID, GRANTS, AND REVENUE.

(a) A charter school is eligible to receive other aids, grants, and revenue according to chapters 120A to 129C, as though it were a district.

(b) Notwithstanding paragraph (a), a charter school may not receive aid, a grant, or revenue if a levy is required to obtain the money, or if the aid, grant, or revenue replaces levy revenue that is not general education revenue, except as otherwise provided in this chapter.

(c) Federal aid received by the state must be paid to the school, if it qualifies for the aid, as though it were a school district.

(d) A charter school may receive money from any source for capital facilities needs. In the year-end report to the commissioner, the charter school shall report the total amount of funds it received from grants and other outside sources.

History: [1991 c 265 art 9 s 43](#); [1994 c 647 art 9 s 10](#); [1Sp1995 c 3 art 8 s 4](#); [1Sp1997 c 4 art 5 s 14](#); [1998 c 397 art 2 s 92,164](#); [art 11 s 3](#); [1998 c 398 art 5 s 55](#); [1999 c 241 art 5 s 13](#); [2000 c 489 art 6 s 24](#); [1Sp2003 c 9 art 2 s 29](#); [1Sp2005 c 5 art 2 s 65](#); [1Sp2015 c 3 art 4 s 10](#); [2016 c 189 art 26 s 15](#)

124E.25 PAYMENT OF AID TO CHARTER SCHOOLS.

Subdivision 1. **Payments.** Notwithstanding section [127A.45, subdivision 3](#), if the current year aid payment percentage under section [127A.45, subdivision 2](#), paragraph (d), is 90 or greater, aid payments for the current fiscal year to a charter school shall be of an equal amount on each of the 24 payment dates. Notwithstanding section [127A.45, subdivision 3](#), if the current year aid payment percentage under section [127A.45, subdivision 2](#), paragraph (d), is less than 90, aid payments for the current fiscal year to a charter school shall be of an equal amount on each of the 16 payment dates in July through February.

Subd. 1a. **School closures; payments.** (a) Notwithstanding subdivision 1 and section [127A.45](#), for a charter school ceasing operation on or before June 30, for the payment periods occurring after the school ceases serving students, the commissioner shall withhold the estimated state aid owed the school. The charter school board of directors and authorizer must submit to the commissioner a closure plan under chapter 317A, and financial information about the school's liabilities and assets. After receiving the closure plan, financial information, an audit of pupil counts, and documented lease expenditures from the charter school and monitoring special education expenditures, the commissioner may release cash withheld and may continue regular payments up to the current year payment percentages if further amounts are owed. If, based on audits and monitoring, the school received state aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid overpayment.

(b) For a charter school ceasing operations before or at the end of a school year, notwithstanding section [127A.45, subdivision 3](#), the commissioner may make preliminary final payments after the school submits the closure plan, an audit of pupil counts, documented lease expenditures, and Uniform Financial Accounting and Reporting Standards (UFARS) financial data and the commissioner monitors special education expenditures for the final year of operation. The commissioner may make the final payment after receiving audited financial statements under section [123B.77, subdivision 3](#).

(c) Notwithstanding sections [317A.701](#) to [317A.791](#), after closing a charter school and satisfying creditors, remaining cash and investment balances shall be returned by the commissioner to the state general fund.

Subd. 2. **Requirements.** (a) To receive state aid payments under this section, a charter school in its first three years of operation must submit to the commissioner a school calendar in the form and manner requested by the commissioner and a quarterly report. The quarterly report must list each student by grade, show the student's start and end dates, if applicable, and, for any student participating in a learning year program, the report must list the hours and times of learning year activities. The charter school must submit the report to the commissioner not more than two weeks after the end of the calendar quarter. The commissioner must develop a web-based reporting form for charter schools to use when submitting quarterly enrollment reports.

(b) To receive state aid payments under this section, a charter school in its fourth and subsequent year of operation must submit a school calendar and enrollment information to the commissioner in the form and manner requested by the commissioner.

(c) A charter school must have a valid, signed contract under section [124E.10, subdivision 1](#), on file with the commissioner at least 15 days before the date of first payment of state aid for the fiscal year.

(d) The commissioner shall compute state aid entitlements for a charter school only for the portion of a school year for which it has a valid, signed contract under section [124E.10, subdivision 1](#).

Subd. 3. **Aid reductions.** (a) The commissioner may reduce a charter school's state aid under section [127A.42](#) or [127A.43](#) if the charter school board fails to correct a violation under this chapter. 102

(b) The commissioner may reduce a charter school's state aid by an amount not to exceed 60 percent of the charter school's basic revenue for the period of time a law was violated.

Subd. 4. **Aid withholding.** (a) If a charter school fails to comply with the commissioner's directive to return, for cause, federal or state funds administered by the department, the commissioner may withhold an amount of state aid sufficient to satisfy the directive.

(b) If after receiving an undisputed invoice for goods and services, a charter school fails to pay the state of Minnesota, a school district, intermediate school district, or service cooperative within the timeline under section 471.425, the commissioner may withhold an amount of state aid sufficient to satisfy the claim and shall distribute the withheld aid to the interested state agency, school district, intermediate school district, or service cooperative. An interested state agency, school district, intermediate school district, or education cooperative shall notify the commissioner when a charter school fails to pay an undisputed invoice within 75 business days of when it received the original invoice.

History: 1999 c 241 art 5 s 14; 1Sp2001 c 6 art 2 s 28; 2002 c 374 art 1 s 1; 2003 c 130 s 12; 1Sp2003 c 9 art 5 s 5; 2004 c 294 art 2 s 14; 2006 c 263 art 2 s 16; 2009 c 96 art 2 s 41, 42; 1Sp2011 c 11 art 2 s 31; art 5 s 3; 1Sp2015 c 3 art 4 s 8, 10; 2016 c 189 art 26 s 16; 2023 c 55 art 6 s 15

124E.26 USE OF STATE MONEY.

A charter school may not use state money to purchase land or buildings. The charter school may own land and buildings if obtained through nonstate sources.

History: 1991 c 265 art 9 s 43; 1998 c 397 art 2 s 164; 1Sp2015 c 3 art 4 s 10; 2016 c 189 art 26 s 17

Official Publication of the State of Minnesota
Revisor of Statutes

Subd. 2. **Members.** (a) The board must consult with the organizations identified in paragraph (b) before naming appointed members to the working group.

(b) By July 1, 2024, the board must appoint the following members to the working group:

(1) the executive director of the board or the executive director's designee;

(2) one representative from the board;

(3) two representatives from Minnesota Administrators for Special Education, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;

(4) two representatives from the Minnesota Association of School Administrators, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;

(5) two representatives from the Minnesota School Boards Association, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;

(6) two representatives from Education Minnesota, consisting of one member from the seven-county metropolitan area and one member from outside the metropolitan area;

(7) four licensed special education teachers, consisting of two members from the seven-county metropolitan area and two members from outside the metropolitan area;

(8) two representatives from the Minnesota Association of Colleges for Teacher Education;

(9) two representatives from alternative teacher preparation programs; and

(10) one representative from the Minnesota Association of Charter Schools.

Subd. 3. **Duties.** The working group must meet on a regular basis and review current statutory and rule requirements for persons with a special education license from another state to qualify for a special education license in Minnesota, and make recommendations on statutory or rule changes necessary to streamline requirements for out-of-state applicants. The working group must submit its recommendations to the board for consideration for inclusion in the board's legislative priorities, and by February 1, 2025, must submit a report to the legislative committees with jurisdiction over kindergarten through grade 12 education.

Subd. 4. **Administrative provisions.** (a) The executive director of the board, or the director's designee, must convene the initial meeting of the working group. Upon request of the working group, the board must provide meeting space and administrative services for the group.

(b) Members of the working group serve without compensation or payment of expenses.

(c) The working group expires February 1, 2025, or upon submission of the report to the legislature required under subdivision 3, whichever is earlier.

EFFECTIVE DATE. This section is effective the day following final enactment.

ARTICLE 6

CHARTER SCHOOLS

Section 1. Minnesota Statutes 2022, section 124E.01, subdivision 1, is amended to read:

Subdivision 1. **Purposes.** (a) The primary purpose of mission-driven charter schools is to improve all pupil the learning and all student, achievement, and success of all students. ~~Additional purposes include to~~ The additional purposes of charter schools are to:

(1) increase quality learning opportunities for all pupils students;

(2) encourage the use of different and innovative teaching methods;

(3) measure learning outcomes and create different and innovative forms of measuring outcomes;

(4) establish new forms of accountability for schools; or

(5) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

(b) A charter school must identify the purposes it will address in the charter contract and document the implementation of those purposes in the school's annual report. Documentation of the implementation of those purposes shall be a component of the authorizer's performance review of the school.

Sec. 2. Minnesota Statutes 2023 Supplement, section 124E.02, as amended by Laws 2024, chapter 85, section 22, is amended to read:

124E.02 DEFINITIONS. (a) For purposes of this chapter, the terms defined in this section have the meanings given them.

(b) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section [124E.06](#), subdivision 4, attesting to its review and approval process before chartering a school.

(c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.

(d) "Charter management organization" or "CMO" means ~~any a nonprofit or for-profit entity or organization that contracts with a charter school board of directors to provide, manage, or oversee operates or manages a charter school or a network of charter schools or can control~~ all or substantially all of a school's education program or a school's administrative, financial, business, or operational functions.

(e) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.

(f) "Educational management organization" or "EMO" means a ~~nonprofit or for-profit entity or organization that provides, manages or oversees operates or manages a charter school or a network of charter schools or can control~~ all or substantially all of the ~~a school's~~ education program, or the ~~a~~ school's administrative, financial, business, or operational functions.

(g) "Immediate family member" means ~~an individual whose any~~ relationship by blood, marriage, adoption, or partnership is ~~no more remote than first cousin of spouses, parents, grandparents, siblings, children, first cousins, aunts, uncles, grandchildren, nieces, and nephews.~~

(h) "Market need and demand study" means a study that includes the following for the proposed locations of the school or additional site:

- (1) current and projected demographic information;
- (2) student enrollment patterns;
- (3) information on existing schools and types of educational programs currently available;
- (4) characteristics of proposed students and families;
- (5) availability of properly zoned and classified facilities; and
- (6) quantification of existing demand for the school or site.

(i) "Person" means an individual or entity of any kind.

(j) "Related party" means an affiliate or immediate family member of the other interested party, an affiliate of an immediate family member who is the other interested party, or an immediate family member of an affiliate who is the other interested party.

(k) For purposes of this chapter, the terms defined in section [120A.05](#) have the same meanings.

Sec. 3. Minnesota Statutes 2023 Supplement, section 124E.03, subdivision 2, is amended to read:

Subd. 2. **Certain federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

(b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.

(c) A charter school must comply with the Minnesota Public School Fee Law, sections [123B.34](#) to [123B.39](#).

(d) A charter school is a district for the purposes of tort liability under chapter 466.

(e) A charter school must comply with the Pledge of Allegiance requirement under section [121A.11](#), [subdivision 3](#).

(f) A charter school and charter school board of directors must comply with chapter 181 governing requirements for employment.

(g) A charter school must comply with continuing truant notification under section [260A.03](#).

(h) A charter school must develop and implement a teacher evaluation and peer review process under section [122A.40](#), [subdivision 8](#), paragraph (b), clauses (2) to (13), and place students in classrooms in accordance with section [122A.40](#), [subdivision 8](#), paragraph (d). The teacher evaluation process in this paragraph does not create any additional employment rights for teachers.

(i) A charter school must adopt a ~~policy~~; plan, budget, and process, consistent with section [120B.11](#), to review curriculum, instruction, and student achievement and strive for the world's best workforce.

(j) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections [121A.40](#) to [121A.56](#) and [121A.575](#), [121A.60](#), [121A.61](#), and [121A.65](#).

Sec. 4. Minnesota Statutes 2023 Supplement, section 124E.03, subdivision 9, is amended to read:

Subd. 9. **English learners.** (a) A charter school is subject to and must comply with the Education for English Learners Act under sections [124D.58](#) to [124D.64](#) as though the charter school were a district.

(b) A charter school must adopt and review a language access plan under section 123B.32 as though the charter school were a district.

Sec. 5. Minnesota Statutes 2022, section 124E.05, subdivision 2, is amended to read:

Subd. 2. **Roles, responsibilities, and requirements for of authorizers.** ~~The authorizer must participate in department-approved training:~~ (a) The role of an authorizer is to ensure that a school it authorizes has the autonomy granted by statute, fulfills the purposes of a charter school, and is accountable to the agreed upon terms of the charter school contract in order to safeguard quality educational opportunities for students and maintain public trust and confidence.

(b) An authorizer has the following responsibilities:

(1) to review applications for new schools, determine whether a new school is ready to open, review applications for grade and site expansions, review applications for change in authorizers, and determine whether to approve or deny an application based on the authorizer's approved criteria;

(2) to negotiate and execute the performance charter contracts with the schools it authorizes;

(3) to conduct ongoing monitoring, oversight, and evaluation of the school's academic, operational, and financial performance during the term of the charter contract;

(4) to evaluate the academic, operational, and financial performance of the school as defined in the charter contract prior to the end of the contract to determine the renewal, nonrenewal, or termination of the contract; and

(5) to comply with authorizer requirements in chapter 124E.

(c) An authorizer must document in the authorizer annual report under section 124E.16, subdivision 2, paragraph (b), the annual successful completion of training of its staff members during the previous year relative to chartering and an authorizer's role and responsibilities.

(d) An authorizer must participate in department-approved training.

Sec. 6. Minnesota Statutes 2022, section 124E.05, subdivision 3, is amended to read:

Subd. 3. **Application process.** (a) An eligible authorizer organization under this section must apply to the commissioner for approval as an authorizer before submitting any affidavit to the commissioner to charter a school. The application for approval as a charter school authorizer must show the applicant's ability to implement the procedures and satisfy the criteria for chartering a school under this chapter. The commissioner must approve or disapprove the application within 45 business days of the deadline for that application period. If the commissioner disapproves the application, the commissioner must notify the applicant of the specific deficiencies in writing and the applicant then has 20 business days to address the deficiencies to the commissioner's satisfaction. After the 20 business days expire, the commissioner has 15 business days to make a final decision to approve or disapprove the application. Failing to address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to be an authorizer. The commissioner, in establishing criteria to approve an authorizer, consistent with subdivision 4, must consider the applicant's:

(1) infrastructure and capacity to serve as an authorizer;

(2) application criteria and process;

(3) contracting process;

(4) ongoing oversight and evaluation processes; and

(5) renewal criteria and processes.

(b) A disapproved applicant under this section may resubmit an application during a future application period.

Sec. 7. Minnesota Statutes 2022, section 124E.05, subdivision 5, is amended to read:

Subd. 5. **Review by commissioner.** (a) The commissioner shall review an authorizer's performance every five years in a manner and form determined by the commissioner, subject to paragraphs (b) and (c), and may review an authorizer's performance more frequently at the commissioner's own initiative or at the request of a charter school operator chief administrator, charter school board member of directors, or other interested party. The commissioner, after completing the review, shall transmit a report with findings to the authorizer and the schools authorized by the authorizer.

(b) Consistent with this subdivision, the commissioner must:

(1) use criteria appropriate to the authorizer and the schools it charters to review the authorizer's performance; and

(2) consult with authorizers, charter school operators, and other charter school stakeholders in developing review criteria under this paragraph.

(c) The commissioner's form must use existing department data on the authorizer to minimize duplicate reporting to the extent practicable. When reviewing an authorizer's performance under this subdivision, the commissioner must not:

(1) fail to credit;

(2) withhold points; or

(3) otherwise penalize an authorizer for failing to charter additional schools or for the absence of complaints against the authorizer's current portfolio of charter schools:

(1) develop the criteria and process of the performance review system in consultation with authorizers, school administrators, charter school boards of directors, and other charter school stakeholders;

(2) publish the authorizer performance review criteria and process at least 12 months before any change or process takes effect, except for changes required to take effect earlier in accordance with state or federal law or to make technical changes;

(3) evaluate the authorizer's performance on adherence and implementation of the authorizer's policies, procedures, and processes that are subject to section 124E.05, subdivision 2, paragraph (b);

(4) solicit feedback from the authorizer, charter school administrators, and charter school boards of directors; and

(5) use existing department data on the authorizer to minimize duplicate reporting to the extent practicable.

(c) Consistent with this subdivision the commissioner must not penalize in any way an authorizer for not chartering additional schools or for the absence of complaints against an authorizer or an authorizer's portfolio of schools.

Sec. 8. Minnesota Statutes 2023 Supplement, section 124E.06, subdivision 1, is amended to read:

Subdivision 1. **Individuals eligible to organize.** (a) An authorizer, after receiving an application from a charter school developer, may charter either a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a school subject to the commissioner's approval of the authorizer's affidavit under subdivision 4.

(b) "Application" under this section means the charter school business plan a charter school developer submits to an authorizer for approval to establish a charter school. This application must include:

(1) the proposed school's:

(i) mission and vision statements;

(ii) purposes and goals;

(iii) educational program design and how the program will improve student learning, success, and achievement;

(iv) plan to address the social and emotional learning needs of students and student support services;

(v) plan to provide special education management and services;

(vi) plan for staffing the school with appropriately qualified and licensed personnel;

(vii) financial plan;

(viii) governance and management structure and plan;

(ix) market need and demand study; and

(x) plan for ongoing outreach and dissemination of information about the school's offerings and enrollment procedure to families that reflect the diversity of Minnesota's population and targeted groups under section 124E.17, subdivision 1, paragraph (a);

(2) the school developer's experience and background, including criminal history and bankruptcy background checks; and

(3) any other information the authorizer requests; and

(4) a "statement of assurances" of legal compliance prescribed by the commissioner.

(c) An authorizer shall not approve an application submitted by a charter school developer under paragraph (a) if the application does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1. The commissioner shall not approve an affidavit submitted by an authorizer under subdivision 4 if the affidavit does not comply with subdivision 3, paragraph (e), and section 124E.01, subdivision 1.

Sec. 9. Minnesota Statutes 2023 Supplement, section 124E.06, subdivision 4, is amended to read:

Subd. 4. **Authorizer's affidavit; approval process.** (a) Before an operator may establish and operate a school, the authorizer must file an affidavit with the commissioner stating its intent to charter a school. An authorizer must file a separate affidavit for each school it intends to charter. An authorizer must file an affidavit at least 14 months before July 1 of the year the new charter school plans to serve students. The affidavit must state:

(1) the terms and conditions under which the authorizer would charter a school, including a market need and demand study; and

(2) how the authorizer intends to oversee:

(i) the fiscal and student performance of the charter school; and

~~(ii) compliance with the terms of the written contract between the authorizer and the charter school board of directors under section 124E.10, subdivision 1.~~

(b) The commissioner must approve or disapprove the authorizer's affidavit within 60 business days of receiving the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. The commissioner must notify the authorizer of the commissioner's final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. An authorizer who fails to obtain the commissioner's approval is precluded from chartering the school that is the subject of this affidavit.

~~(c) The grades and number of primary enrollment sites in an approved affidavit may only be modified under subdivision 5.~~

Sec. 10. Minnesota Statutes 2023 Supplement, section 124E.06, subdivision 5, is amended to read:

Subd. 5. **Adding grades or sites.** (a) A charter school may apply to the authorizer to amend the school charter to add grades or primary enrollment sites beyond those defined in the original affidavit approved by the commissioner. After approving the school's application, the authorizer shall submit a supplemental affidavit in the form and manner prescribed by the commissioner. The authorizer must file a supplemental affidavit to the commissioner by October 1 to be eligible to add grades or sites in the next school year. The supplemental affidavit must document ~~to the authorizer's satisfaction:~~

~~(1) the need for the additional grades or sites with supporting long-range enrollment projections for site expansion, a market need and demand study with long-range enrollment projections;~~

~~(2) a longitudinal record of student academic performance and growth on statewide assessments under chapter 120B or on other academic assessments that measure longitudinal student performance and growth approved by the charter school's board of directors and agreed upon with the authorizer for grade expansion, the need for the additional grades with supporting long-range enrollment projections;~~

~~(3) a history of sound school finances and a plan to add grades or sites that sustains the school's finances a longitudinal record of at least the three most recent years of student academic proficiency and growth on statewide assessments under chapter 120B or on other academic assessments that measure at least the three most recent years of longitudinal student proficiency and growth approved by the charter school's board of directors and agreed upon with the authorizer;~~

~~(4) board capacity to administer and manage the additional grades or sites at least three years of sound school finances and a plan to add grades or sites that sustains the school's finances; and~~

~~(5) for site expansion, a market need and demand study board capacity to administer and manage the additional grades or sites.~~

(b) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer in writing of any deficiencies in the supplemental affidavit and the authorizer then has 20 business days to address any deficiencies in the supplemental affidavit to the commissioner's satisfaction. The commissioner must notify the authorizer of final approval or final disapproval within 15 business days after receiving the authorizer's response to the deficiencies in the affidavit. The school may not add grades or sites until the commissioner has approved the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

Sec. 11. Minnesota Statutes 2022, section 124E.07, is amended to read:

124E.07 BOARD OF DIRECTORS.

Subdivision 1. Initial board of directors.

Before entering into a contract or other agreement for professional or other services, goods, or facilities, the operators authorized to organize and operate a school must establish a board of directors composed of at least five members ~~who are not related parties.~~ The initial board members must not be related parties. The initial board continues to serve until a timely election for members of the ongoing charter school board of directors is held according to the school's articles and bylaws under subdivision 4. The initial board of directors and school developers must comply with the training requirements in subdivision 7 upon the incorporation of the school.

Subd. 2. Ongoing board of directors.

~~The ongoing board must be elected before the school completes its third year of operation. The initial board must begin the transition to the ongoing board structure by the end of the first year of operation and complete the transition by the end of the second year of operation. The terms of board members shall begin on July 1. Terms shall be no less than two years. The bylaws shall set the number of terms an individual may serve on the board and as an officer of the board.~~ Board elections must be held during the school year but may not be conducted on days when the school is closed.

Subd. 3. Membership criteria.

(a) The ongoing charter school board of directors shall have at least five nonrelated members ~~and include: The board members must not be related parties. The ongoing board must include:~~ (1) at least one licensed teacher who is employed as a teacher at the school or provides instruction under contract between the charter school and a cooperative; (2) at least one parent or legal guardian of a student enrolled in the charter school who is not an employee of the charter school; and (3) at least one interested community member who resides in Minnesota, is not employed by the charter school, and does not have a child enrolled in the school. A community member serving on the board must reside in Minnesota, must not have a child enrolled in the school, and must not be an employee of the charter school.

(b) To serve as a licensed teacher on a charter school board, an individual must:

(1) be employed by the school or provide at least 720 hours of service under a contract between the charter school and a teacher cooperative;

(2) be a qualified teacher as defined under section 122A.16, either serving as a teacher of record in a field in which the individual has a field license, or providing services to students the individual is licensed to provide; and

(3) not serve in an administrative or supervisory capacity for more than 240 hours in a school calendar year.

(c) The board structure must be defined in the bylaws. The board structure may include (1) be a majority of teachers under this paragraph or (b), (2) be a majority of parents or, (3) be a majority of community members, or it may (4) have no clear majority.

(d) The chief financial officer and the chief administrator may only serve as an ex-officio nonvoting board members member. No charter school employees shall serve on the board other than teachers under clause (1) paragraph (b). Contractors providing facilities, goods, or services to a charter school shall not serve on the board of directors of the charter school:

(b) (c) A contractor providing facilities, goods, or services to a charter school must not serve on the board of directors. In addition, an individual is prohibited from serving as a member of the charter school board of directors if: (1) the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities; or (2) an immediate family member is an employee of the school. An individual may serve as a member of the board of directors if no conflict of interest exists under this paragraph, consistent with this section.

(e) (f) A violation of paragraph (b) (e) renders a contract voidable at the option of the commissioner or the charter school board of directors. A member of a charter school board of directors who violates paragraph (b) (e) is individually liable to the charter school for any damage caused by the violation.

(d) (g) Any employee, agent, contractor, or board member of the authorizer who participates in initially reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school is ineligible to serve on the board of directors of a school chartered by that authorizer.

(h) An individual is prohibited from serving on more than one charter school board at the same time in either an elected or ex-officio capacity, except that an individual serving as an administrator serving more than one school under section 124E.12, subdivision 2, paragraph (f), may serve on each board as an ex-officio member.

Subd. 4. Board structure.

Board bylaws shall outline the process and procedures for changing the board's governance structure, consistent with chapter 317A. A board may change its governance structure only:

(1) by a majority vote of the board of directors and a majority vote of the licensed teachers employed by the school as teachers, including licensed teachers providing instruction under a contract between the school and a cooperative; and

(2) by a majority vote of the licensed teachers employed by the school as teachers who provide instruction to students, including licensed teachers providing instruction under a contract between the school and a cooperative; and

(2) (3) with the authorizer's approval.

Any change in board governance structure must conform with the board composition established under this section.

Subd. 5. Eligible voters Board elections.

(a) Staff members employed at the school, including teachers providing instruction under a contract with a cooperative, members of the board of directors, and all parents or legal guardians of children enrolled in the school are the voters eligible to elect the members of the school's board of directors. A charter school must notify eligible voters of the school board election dates at least 30 days before the election:

(b) The board of directors must establish and publish election policies and procedures on the school's website. *ALREADY DONE*

(c) The board of directors must notify eligible voters of the school board election dates and voting procedures at least 30 calendar days before the election and post this information on the school's website.

(d) The board of directors must notify eligible voters of the candidates' names, biographies, and candidate statements at least ten calendar days before the election and post this information on the school's website.

Subd. 6. Duties.

(a) The board of directors also shall decide and is responsible for all decision making on policy matters related to operating the school, including budgeting, curriculum programming, personnel, and operating procedures. ~~The board shall adopt a nepotism policy.~~ The board shall must adopt personnel evaluation policies and practices that, at a minimum:

- (1) carry out the school's mission and goals;
- (2) evaluate how charter contract goals and commitments are executed;
- (3) evaluate student achievement, postsecondary and workforce readiness, and student engagement and connection goals;
- (4) establish a teacher evaluation process under section 124E.03, subdivision 2, paragraph (h); and
- (5) provide professional development related to the individual's job responsibilities.

(b) The board must adopt a nepotism policy that prohibits the employment of immediate family members of a board member, a school employee, or a teacher who provides instruction under a contract between the charter school and a cooperative. The board may waive this policy if: (1) the position is publicly posted for 20 business days; and (2) a two-thirds majority of the remaining board of directors who are not immediate family members of an applicant vote to approve the hiring. A board member, school employee, or teacher under contract with a cooperative must not be involved in an interview, selection process, hiring, supervision, or evaluation of an employee who is an immediate family member.

Subd. 7. Training.

Every charter school board member shall attend annual training throughout the member's term. All new board members shall attend initial training on the board's role and responsibilities, employment policies and practices, and financial management. A new board member who does not begin the required initial training within six months after being seated and complete that training within 12 months after being seated is automatically ineligible to continue to serve as a board member. The school shall include in its annual report the training each board member attended during the previous year:

(a) Every charter school board member and nonvoting ex-officio member who is a charter school director or chief administrator must attend board training.

(b) Prior to beginning their term, a new board member must complete training on a charter school board's role and responsibilities, open meeting law, and data practices law. An ex-officio member, who is a charter school director or chief administrator, must complete this training within three months of starting employment at the school.

(c) A new board member must complete training on employment policies and practices under chapter 181; public school funding and financial management; and the board's roles and responsibilities regarding student success, achievement, and performance within 12 months of being seated on the board or the individual is automatically ineligible to continue to serve as a board member. A board member who does not complete training within the 12-month period is ineligible to be elected or appointed to a charter school board for a period of 18 months.

(d) Every charter school board member must complete annual training throughout the member's term based on an annual assessment of the training needs of individual members and the full board. Ongoing training includes but is not limited to budgeting, financial management, recruiting and hiring a charter school director or chief administrator, evaluating a charter school director or chief administrator, governance-management relationships, student support services, student discipline, state standards, cultural diversity, succession planning, strategic planning, program oversight and evaluation, compensation systems, human resources policies, effective parent and community relationships, authorizer contract and relationships, charter school law, legal liability, board recruitment and elections, board meetings and operations, policy development and review, and school health and safety.

(e) The organization or person providing training under paragraphs (b), (c), and (d) must certify the individual's completion of the training provided.

(f) The charter school is responsible for covering the costs related to board training. The charter school must include in its annual report the training each board member completed during the previous year.

(g) The board must ensure that an annual assessment of the board's performance is conducted and the results are reported in the school's annual report.

Subd. 8. Meetings and information.

(a) Board of director meetings must comply with chapter 13D governing open meetings.

(b) A charter school shall publish and maintain on the school's official website: (1) the meeting minutes of the board of directors and of members and committees having board-delegated authority, within 30 days following the earlier of the date of board approval or the next regularly scheduled meeting, and for at least 365 days from the date of publication; (2) directory information for the board of directors and for the members of committees having board-delegated authority; and (3) identifying and contact information for the school's authorizer.

(c) A charter school must include identifying and contact information for the school's authorizer in other school materials it makes available to the public.

Sec. 12. Minnesota Statutes 2022, section 124E.10, subdivision 2, is amended to read:

Subd. 2. **Limits on charter school agreements.** (a) A school must disclose to the commissioner any potential contract, lease, or purchase of service from an the school's authorizer or a current board member, employee, contractor, volunteer, or agent of the school's authorizer. The contract, lease, or purchase must be accepted through an open bidding process and be separate from the charter contract. The school must document the open bidding process. An authorizer must not enter into a contract to provide management and financial services to a school it authorizes, unless the school documents receiving at least two competitive bids. This paragraph does not apply to a charter school or an authorizer when contracting for legal services from a lawyer that provides professional services to the charter school or authorizer and who is subject to the Minnesota Rules of Professional Conduct.

(b) An authorizer must not condition granting or renewing a charter on:

- (1) the charter school being required to contract, lease, or purchase services from the authorizer; or
- (2) the bargaining unit status of school employees.

Sec. 13. Minnesota Statutes 2022, section 124E.10, subdivision 4, is amended to read:

Subd. 4. **Causes for nonrenewal or termination of charter school contract.** (a) The duration of the contract with an authorizer must be for the term contained in the contract according to subdivision 1, paragraph (a). The authorizer may or may not renew a contract at the end of the term for any ground listed in paragraph (b). An authorizer may unilaterally terminate a contract during the term of the contract for any ground listed in paragraph (b). At least 60 business days before not renewing or terminating a contract, the authorizer shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action in reasonable detail and describe the informal hearing process, consistent with this paragraph. The charter school's board of directors may request in writing an informal hearing before the authorizer within 15 business days after receiving notice of nonrenewal or termination of the contract. Failure by the board of directors to make a written request for an informal hearing within the 15-business-day period shall be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the authorizer shall give ten business days' notice to the charter school's board of directors of the hearing date. The hearing must be recorded by audio recording, video recording, or a court reporter. The authorizer must preserve the recording for three years and make the recording available to the public. The authorizer shall conduct an informal hearing before taking final action. The authorizer shall take final action to renew or not renew a contract no later than 20 business days before the proposed date for terminating the contract or the end date of the contract.

(b) An authorizer may terminate or not renew a contract upon any of the following grounds:

- (1) failure to demonstrate satisfactory academic achievement for all students, including the requirements for pupil performance contained in the contract;
- (2) failure to meet generally accepted standards of fiscal management;
- (3) violations of law; or
- (4) other good cause shown.

If the authorizer terminates or does not renew a contract under this paragraph, the school must be dissolved according to the applicable provisions of chapter 317A.

(c) The commissioner, after providing reasonable notice to the board of directors of a charter school and the existing authorizer, and after providing an opportunity for a public hearing, may terminate the existing contract between the authorizer and the charter school board if the charter school has a history of:

- (1) failure to meet pupil performance requirements, consistent with state law;
- (2) financial mismanagement or failure to meet generally accepted standards of fiscal management; or
- (3) repeated or major violations of the law.

Sec. 14. Minnesota Statutes 2022, section 124E.10, subdivision 5, is amended to read:

Subd. 5. **Mutual nonrenewal.** If the authorizer and the ~~charter school~~ board of directors of a charter school serving enrolled students mutually agree not to renew the contract, or if the governing board of an approved authorizer votes to withdraw as an approved authorizer for a reason unrelated to any cause under subdivision 4, a change in authorizers is allowed. The authorizer and the school board must jointly submit a written and signed letter of their intent to the commissioner to mutually not renew the contract. The authorizer that is a party to the existing contract must inform the proposed authorizer about the fiscal, operational, and student performance status of the school, including unmet contract outcomes and other outstanding contractual obligations. The charter contract between the proposed authorizer and the school must identify and provide a plan to address any outstanding obligations from the previous contract. The proposed authorizer must submit the proposed contract at least 105 business days before the end of the existing charter contract. The commissioner has 30 business days to review and make a determination on the change in authorizer. The proposed authorizer and the school have 15 business days to respond to the determination and address any issues identified by the commissioner. The commissioner must make a final determination no later than 45 business days before the end of the current charter contract. If the commissioner does not approve a change in authorizer, ¹¹¹ the school and the current authorizer may withdraw their letter

of nonrenewal and enter into a new contract. If the commissioner does not approve a change in authorizer and the current authorizer and the school do not withdraw their letter and enter into a new contract, the school must be dissolved according to applicable law and the terms of the contract.

Sec. 15. Minnesota Statutes 2023 Supplement, section 124E.11, is amended to read:

124E.11 ADMISSION REQUIREMENTS AND ENROLLMENT.

(a) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may limit admission to:

- (1) pupils within an age group or grade level;
- (2) pupils who are eligible to participate in the graduation incentives program under section 124D.68; or

(3) residents of a specific geographic area in which the school is located when the majority of students served by the school are members of underserved populations.

(b) A charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), must enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. The charter school must develop and publish, including on its website, a lottery policy and process that it must use when accepting pupils by lot.

(c) Admission to a charter school must be free to any eligible pupil who resides within the state. A charter school must give enrollment preference to a Minnesota resident pupil over pupils that do not reside in Minnesota. A charter school must require a pupil who does not reside in Minnesota to annually apply to enroll in accordance with paragraphs (a) to (f). A charter school must give enrollment preference to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school's staff before accepting other pupils by lot. A staff member eligible for an enrollment preference for their child, including a foster child, must be an individual employed at the school whose employment is stipulated in advance to total at least 480 hours in a school calendar year. A charter school that is located in Duluth township in St. Louis County and admits students in kindergarten through grade 6 must give enrollment preference to students residing within a five-mile radius of the school and to the siblings of enrolled children.

(d) A person may not be admitted to a charter school: (1) as a kindergarten pupil, unless the pupil is at least five years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences; or (2) as a first grade student, unless the pupil is at least six years of age on September 1 of the calendar year in which the school year for which the pupil seeks admission commences or has completed kindergarten; except that a charter school may establish and publish on its website a policy for admission of selected pupils at an earlier age, consistent with the enrollment process in paragraphs (b) and (c).

(e) Except as permitted in paragraphs (d) and (i), a charter school, including its preschool or prekindergarten program established under section 124E.06, subdivision 3, paragraph (b), may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not establish any criteria or requirements for admission that are inconsistent with this section.

(f) The charter school or any agent of the school must not distribute any services or goods, payments, or other incentives of value to students, parents, or guardians as an inducement, term, or condition of enrolling a student in a charter school.

(g) Once a student who resides in Minnesota is enrolled in the school in kindergarten through grade 12, or in the school's free preschool or prekindergarten program under section 124E.06, subdivision 3, paragraph (b), the student is considered enrolled in the school until the student formally withdraws, the school receives a request for the transfer of educational records from another school, the school receives a written election by the parent or legal guardian of the student withdrawing the student, or the student is expelled under the Pupil Fair Dismissal Act in sections 121A.40 to 121A.56.

(h) A charter school with at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf or hard-of-hearing may enroll prekindergarten pupils with a disability under section 126C.05, subdivision 1, paragraph (a), and must comply with the federal Individuals with Disabilities Education Act under Code of Federal Regulations, title 34, section 300.324, subsection (2), clause (iv).

(i) A charter school serving at least 90 percent of enrolled students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing may give enrollment preference to students who are eligible for special education services and have a primary disability of deaf, deafblind, or hard-of-hearing. The charter school may not limit admission based on the student's eligibility for additional special education services.

Sec. 16. Minnesota Statutes 2023 Supplement, section 124E.12, subdivision 1, is amended to read:

Subdivision 1. **Teachers.** A charter school, excluding its preschool or prekindergarten program established under section 124E.06, subdivision 3, must employ or contract with necessary teachers, as defined by section 122A.06, subdivision 2, or contract with a cooperative formed under chapter 308A to provide necessary teachers, who hold valid licenses to perform the particular service for which they are employed in the school. A charter school may not contract with a CMO or EMO to provide necessary teachers. A charter school's preschool or prekindergarten program must employ ~~12~~ contract with teachers knowledgeable in early childhood

To prevent people from "gaming" the lottery system

curriculum content, assessment, native and English language programs, and instruction established under section 124E.06, subdivision 3. The commissioner may reduce the charter school's state aid under section 127A.43 if the school employs a teacher who is not appropriately licensed or approved by the Professional Educator Licensing and Standards Board. The school may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. The charter school board is subject to section 181.932 governing whistle-blowers. When offering employment to a prospective employee, a charter school must give that employee a written description of the terms and conditions of employment and the school's personnel policies.

Sec. 17. Minnesota Statutes 2022, section 124E.12, subdivision 2, is amended to read:

*Anti - J. Juhonen
Section*

Subd. 2. **Administrators.** (a) A person, without holding a valid administrator's license, may perform administrative, supervisory, or instructional leadership duties. The board of directors shall establish qualifications for all persons who hold administrative, supervisory, or instructional leadership roles. The qualifications shall cover at least: instruction and assessment; human resource and personnel management; financial management; legal and compliance management; effective communication; and board, authorizer, and community relationships. The board of directors shall use those qualifications as the basis for job descriptions, hiring, and performance evaluations of those who hold administrative, supervisory, or instructional leadership roles:

(b) The board of directors and an individual who does not hold a valid administrative license and who serves in an administrative, supervisory, or instructional leadership position shall develop a professional development plan. The school's annual report must include public personnel information documenting the professional development plan:

(a) A charter school board of directors must establish qualifications for all persons who hold administrative, academic supervision, or instructional leadership positions. The qualifications must include a requirement that a person hold a minimum of a four-year degree from an accredited institution or equivalent experience. Other qualifications for these positions shall include, as appropriate for the specific position: instruction and assessment, curriculum design, human resource and personnel management, professional ethics, child development, financial management, legal and compliance management, special education oversight, contract management, effective communication, cultural competency, board and authorizer relationships, parent relationships, and community partnerships. A charter school board of directors must use those qualifications as the basis for the job description, hiring process, and performance evaluation of the charter school director or chief administrator. The charter school director or chief administrator must use those qualifications as the basis for the job descriptions, hiring, and performance reviews for the administrative staff, academic program supervisors, and instructional leaders who report to the charter school director or chief administrator.

(b) A person who does not hold a valid administrator's license may perform administrative, academic supervision, or instructional leadership duties. A person without a valid administrator's license serving as a charter school director or chief administrator must complete a minimum of 25 hours annually of competency-based training corresponding to the individual's annual professional development needs and plan approved by the charter school board of directors. Training includes but is not limited to: instruction and curriculum; state standards; teacher and staff hiring, development, support, and evaluation; social-emotional learning; data collection and usage; assessment methodologies; use of technology for learning and management; charter school law and requirements; code of professional ethics; financial management and state accounting requirements; grant management; legal and compliance management; special education management; health and safety laws; restorative justice; cultural competencies; effective communication; parent relationships; board and management relationships; community partnerships; charter contract and authorizer relationships; and public accountability.

(c) A person serving as a charter school director or chief administrator with a valid administrator's license must complete a minimum of ten hours of competency-based training during the first year of employment on the following: charter school law and requirements, board and management relationships, and charter contract and authorizer relationships.

(d) The training a person must complete under paragraphs (b) and (c) may not be self-instructional. The organization or instructor providing the training must certify completion of the training. The person must submit the certification of completion of training to the charter school board of directors and certifications must be maintained in the personnel file. Completing required training must be a component of annual performance evaluations.

(e) All professional development training completed by the charter school director or chief administrator in the previous academic year must be documented in the charter school's annual report.

(f) No charter school administrator may serve as a paid administrator or consultant with another charter school without the knowledge and a two-thirds vote of approval of the boards of directors of the charter schools involved in such an arrangement. The boards of directors involved in such arrangements must send notice of this arrangement to authorizers upon approval by the boards.

(g) No charter school administrator may serve on the board of directors of another charter school, except that an individual serving as an administrator serving more than one school under paragraph (f) may serve on each board as an ex-officio member.

Sec. 18. Minnesota Statutes 2022, section 124E.14, as amended by Laws 2024, chapter 85, section 24, is amended to read:
124E.14 CONFLICTS OF INTEREST. (a) No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when:

- (1) the board member, employee, officer, or agent;
- (2) the immediate family member of the board member, ¹¹³employee, officer, or agent;

(3) the partner of the board member, employee, officer, or agent; or

(4) an organization that employs, or is about to employ any individual in clauses (1) to (3),

has a financial or other interest in the entity with which the charter school is contracting. A violation of this prohibition renders the contract void.

(b) The conflict of interest provisions under this section do not apply to compensation paid to a teacher employed as a teacher by the charter school or a teacher who provides instructional services to the charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

(c) A charter school board member, employee, or officer is a local official for purposes of section 471.895 with regard to receipt of gifts as defined under section 10A.071, subdivision 1, paragraph (b). A board member, employee, or officer must not receive compensation from a group health insurance provider.

(d) No charter school employee or board member may serve on the board or decision-making committee of the school's authorizer. An employee or school board member must disclose to the school's board of directors any paid compensation they receive from the school's authorizer. *same as noted above*

Sec. 19. Minnesota Statutes 2023 Supplement, section 124E.16, subdivision 1, is amended to read:

Subdivision 1. **Audit report.** (a) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district, except as required under this subdivision. Audits must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, if applicable, and section 6.65 governing auditing procedures. ~~A charter school is subject to and must comply with sections 15.054, 118A.01, 118A.02, 118A.03, 118A.04, 118A.05, 118A.06 governing government property and financial investments; and sections 471.38, 471.391, 471.392; and 471.425 governing municipal contracting.~~ The audit must comply with the requirements of sections 123B.75 to 123B.83 governing school district finance, except when the commissioner and authorizer approve a deviation made necessary because of school program finances. The commissioner, state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance audits. A charter school in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(b) The charter school must submit an audit report to the commissioner and its authorizer annually by December 31.

(c) The charter school, with the assistance of the auditor conducting the audit, must include with the report, as supplemental information: (1) a copy of a new management agreement or an amendment to a current agreement with a CMO or EMO signed during the audit year; and (2) a copy of a service agreement or contract with a company or individual totaling over five percent of the audited expenditures for the most recent audit year. The agreements must detail the terms of the agreement, including the services provided and the annual costs for those services.

(d) A charter school independent audit report shall include audited financial data of an affiliated building corporation under section 124E.13, subdivision 3, or other component unit.

(e) If the audit report finds that a material weakness exists in the financial reporting systems of a charter school, the charter school must submit a written report to the commissioner explaining how the charter school will resolve that material weakness. An auditor, as a condition of providing financial services to a charter school, must agree to make available information about a charter school's financial audit to the commissioner and authorizer upon request.

Sec. 20. Minnesota Statutes 2022, section 124E.17, is amended to read:

124E.17 DISSEMINATION OF INFORMATION.

Subdivision 1. Charter school information.

(a) Charter schools must disseminate information about ~~how to use the charter school offerings to targeted groups, among others. Targeted groups include low-income families and communities, students of color, and students who are at risk of academic failure. the school's offerings and enrollment procedures to families that reflect the diversity of Minnesota's population and targeted groups.~~ Targeted groups include low-income families and communities, students of color, students at risk of academic failure, and students underrepresented in the school's student body relative to Minnesota's population. The school must document its dissemination activities in the school's annual report. The school's dissemination activities must be a component of the authorizer's performance review of the school.

(b) Authorizers and the commissioner must disseminate information to the public on how to form and operate a charter school. Authorizers, operators, and the commissioner also may disseminate information to interested stakeholders about the successful best practices in teaching and learning demonstrated by charter schools.

Subd. 2. Financial information.

(a) Upon request of an individual, the charter school must make available in a timely fashion financial statements showing all operations and transactions affecting the school's income, surplus, and deficit during the last annual accounting period; and a balance sheet summarizing assets and liabilities on the closing date of the accounting period. ~~A charter school also must include that same information about its authorizer in other school materials that it makes available to the public.~~

(b) Upon request of an individual, an authorizer must make available in a timely fashion financial statements showing all operations and transactions affecting the authorizer's income, surplus, and deficit during the last annual accounting period, and a balance sheet summarizing assets and liabilities on the closing date of the accounting period.

Sec. 21. Minnesota Statutes 2022, section 124E.26, is amended to read:

124E.26 USE OF STATE MONEY.

Subdivision 1. Purchasing buildings.

A charter school may not use state money to purchase land or buildings. The charter school may own land and buildings if obtained through nonstate sources.

Subd. 2. Procurement policy required.

Prior to the expenditure of any state funds, a charter school must adopt a procurement policy consistent with subdivision 4.

Subd. 3. All purchases.

All purchases using state funds must be made consistent with the procurement policy adopted under subdivision 2.

Subd. 4. Required policy components.

A charter school procurement policy must at a minimum include:

- (1) conflict of interest provisions consistent with section 124E.14;
- (2) thresholds for purchases by employees without board approval;
- (3) thresholds for purchases that require competitive bidding processes, except that a competitive bidding process must occur for any procurement estimated to exceed \$25,000; and
- (4) a prohibition on breaking up a procurement into smaller components to avoid the thresholds established in clauses (2) and (3).

Subd. 5. Reduction in aid.

If a charter school makes a purchase without a procurement policy adopted by the school's board or makes a purchase not in conformity with the school's procurement policy, the commissioner may reduce that charter school's state aid in an amount equal to the purchase.

Subd. 6. Property, financial investments, and contracting.

A charter school is subject to and must comply with sections 15.054 and 118A.01 to 118A.06 governing government property and financial investments and sections 471.38, 471.391, 471.392, and 471.425 governing municipal contracting.

ARTICLE 7

NUTRITION AND LIBRARIES

Section 1. Minnesota Statutes 2023 Supplement, section 124D.111, subdivision 2a, is amended to read:

Subd. 2a. Federal child and adult care food program and federal summer food service program; criteria and notice. (a)

The commissioner must post on the department's website eligibility criteria and application information for nonprofit organizations interested in applying to the commissioner for approval as a multisite sponsoring organization under the federal child and adult care food program and federal summer food service program. The posted criteria and information must inform interested nonprofit organizations about:

- (1) the criteria the commissioner uses to approve or disapprove an application, including how an applicant demonstrates financial viability for the Minnesota program, among other criteria;
- (2) the commissioner's process and time line for notifying an applicant when its application is approved or disapproved and, if the application is disapproved, the explanation the commissioner provides to the applicant; and
- (3) any appeal or other recourse available to a disapproved applicant.

(b) The commissioner must evaluate financial eligibility as part of the application process. An organization applying to be a prospective **sponsor nonprofit multisite sponsoring organization** for the federal child and adult care food care program or the federal summer food service program must provide documentation of financial viability as an organization. Documentation must include:

- (1) evidence that the organization has operated for at least one year and has filed at least one tax return;
- (2) the most recent tax return submitted by the organization and corresponding forms and financial statements;
- (3) a profit and loss statement and balance sheet or similar financial information; and

(d) Districts must report data on their use of any reasonable force used on a student with a disability to correct or restrain the student to prevent **imminent** bodily harm or death to the student or another that is consistent with the definition of physical holding under section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).

(e) Beginning with the 2024-2025 school year, districts must report annually by July 15, in a form and manner determined by the commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent **imminent** bodily harm or death to the student or another that is consistent with the definition of physical holding under section 125A.0941, paragraph (c).

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2022, section 121A.582, is amended by adding a subdivision to read:

Subd. 5. **Definition.** For the purpose of this section, a school resource officer, as defined in section 626.8482, subdivision 1, paragraph (c), is not a school employee or agent of the district.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2022, section 123B.02, is amended by adding a subdivision to read:

Subd. 25. **School resource officers.** A board that contracts for the services of a school resource officer must ensure the contract meets the requirements of section 626.8482.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2022, section 124E.03, is amended by adding a subdivision to read:

Subd. 10. **School resource officers.** A charter school board must comply with section 123B.02, subdivision 25.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 7. Minnesota Statutes 2022, section 609.06, subdivision 1, is amended to read:

Subdivision 1. When authorized. Except as otherwise provided in subdivisions 2 and 3, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

- (1) when used by a public officer or one assisting a public officer under the public officer's direction:
 - (i) in effecting a lawful arrest; or
 - (ii) in the execution of legal process; or
 - (iii) in enforcing an order of the court; or
 - (iv) in executing any other duty imposed upon the public officer by law; or
- (2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or
- (3) when used by any person in resisting or aiding another to resist an offense against the person; or
- (4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or
- (5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or
- (6) when used by a parent, guardian, ~~teacher~~, or other lawful custodian of a child ~~or pupil~~, in the exercise of lawful authority, to restrain or correct such child ~~or pupil~~; or
- (7) when used by a ~~teacher, school principal, school employee or, school bus driver, or other agent of a district~~ in the exercise of lawful authority, to restrain a child or pupil, ~~or to prevent bodily harm or death to the child, pupil, or another;~~ or
- (8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or
- (9) when used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or
- (10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, ~~conduct~~, or treatment of the committed person.

- (1) the product of (i) \$1,775, and (ii) the greater of 20 or the adjusted average daily membership of eligible English learners enrolled in the district during the current fiscal year;
- (2) \$630 times the English learner pupil units under section 126C.05, subdivision 17; and
- (3) the district's English learner cross subsidy aid. A district's English learner cross subsidy aid ~~under paragraph (c)~~ equals 25 percent of the district's English learner cross subsidy under paragraph (c) for fiscal year 2027 and later.
- (c) A district's English learner cross subsidy ~~aid~~ equals the greater of zero or the difference between the district's expenditures for qualifying English learner services for the second previous year and the district's English learner revenue for the second previous year.
- (d) A pupil ceases to generate state English learner aid in the school year following the school year in which the pupil attains the state cutoff score on a commissioner-provided assessment that measures the pupil's emerging academic English.

Sec. 22. Minnesota Statutes 2023 Supplement, section 124E.02, is amended to read:

124E.02 DEFINITIONS.

- (a) For purposes of this chapter, the terms defined in this section have the meanings given them.
- (b) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.
- (c) "Affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.
- (d) "Charter management organization" or "CMO" means any nonprofit or for-profit entity that contracts with a charter school board of directors to provide, manage, or oversee all or substantially all of a school's education program or a school's administrative, financial, business, or operational functions.
- (e) "Control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether by owning voting securities, by contract, or otherwise.
- (f) "Educational management organization" or "EMO" means a nonprofit or for-profit entity that provides, manages or oversees all or substantially all of the education program, or the school's administrative, financial, business, or operational functions.
- (g) "Immediate family member" means an individual whose relationship by blood, marriage, adoption, or partnership is no more remote than first cousin.
- (h) "Market need and demand study" means a study that includes the following for the proposed locations of the school or additional site:
- (1) current and projected demographic information;
 - (2) student enrollment patterns;
 - (3) information on existing schools and types of educational programs currently available;
 - (4) characteristics of proposed students and families;
 - (5) availability of properly zoned and classified facilities; and
 - (6) quantification of existing demand for the school or site.
- (i) "Person" means an individual or entity of any kind.
- (j) "Related party" means an affiliate or immediate relative family member of the other interested party, an affiliate of an immediate relative family member who is the other interested party, or an immediate relative family member of an affiliate who is the other interested party.
- (k) For purposes of this chapter, the terms defined in section 120A.05 have the same meanings.

Sec. 23. Minnesota Statutes 2022, section 124E.03, subdivision 7, is amended to read:

- Subd. 7. **Additional program-specific requirements.** (a) A charter school offering online courses or programs must comply with section 124D.095 124D.094 governing online learning instruction.
- (b) A charter school that provides early childhood health and developmental screening must comply with sections 121A.16 to 121A.19 governing early childhood screening.
- (c) A charter school that provides school-sponsored youth athletic activities must comply with section 121A.38 governing policies on concussions.

Sec. 24. Minnesota Statutes 2022, section 124E.14, is amended to read:

124E.14 CONFLICTS OF INTEREST.

(a) No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when:

- (1) the board member, employee, officer, or agent;
- (2) the immediate family member of the board member, employee, officer, or agent;
- (3) the partner of the board member, employee, officer, or agent; or
- (4) an organization that employs, or is about to employ any individual in clauses (1) to (3),

has a financial or other interest in the entity with which the charter school is contracting. A violation of this prohibition renders the contract void.

(b) The conflict of interest provisions under this section do not apply to compensation paid to a teacher employed as a teacher by the charter school or a teacher who provides instructional services to the charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

(c) A charter school board member, employee, or officer is a local official for purposes of section 471.895 with regard to receipt of gifts as defined under section 10A.071, subdivision 1, paragraph (b). A board member, employee, or officer must not receive compensation from a group health insurance provider.

Sec. 25. Minnesota Statutes 2023 Supplement, section 125A.15, is amended to read:

125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.

The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.

(b) If a district other than the resident district places a pupil for care and treatment, the district placing the pupil must notify and give the resident district an opportunity to participate in the placement decision. When an immediate emergency placement of a pupil is necessary and time constraints foreclose a resident district from participating in the emergency placement decision, the district in which the pupil is temporarily placed must notify the resident district of the emergency placement within 15 days. The resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(c) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the care and treatment program and an appropriate educational program for the child. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the child's district of residence may utilize that ~~state-approved~~ online learning program in fulfilling its educational program responsibility under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(d) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in section 125A.11, except as provided in paragraph (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment. If a child's district of residence, district of open enrollment under section 124D.03, or charter school of enrollment under section 124E.11 is authorized to provide online learning instruction under state statutes, the nonresident district may utilize that ~~state-approved~~ online learning program in fulfilling its educational program responsibility under this section if the child, or the child's parent or guardian for a pupil under the age of 18, agrees to that form of instruction.

(e) A privately owned and operated residential facility may enter into a contract to obtain appropriate educational programs for special education children and services with a joint powers entity. The entity with which the private facility contracts for special education services shall be the district responsible for providing students placed in that facility an appropriate educational program in place of the district in which the facility is located. If a privately owned and operated residential facility does not enter into a contract under this paragraph, then paragraph (d) applies.

(d) Of the amount in paragraph (a), \$317,000 is for Augsburg University.

(e) The Professional Educator Licensing and Standards Board may retain up to \$140,000 to administer the pilot program, including administering surveys and completing required reports.

(f) This is a onetime appropriation and is available until June 30, 2026.

Subd. 3. Teacher and paraprofessional compensation working group.

(a) For administration and per diem compensation for members of the teacher and paraprofessional compensation working group:

\$	150,000	<u>2025</u>
----	---------	-------	-------------

(b) This is a onetime appropriation.

Subd. 4. Aspiring teachers of color scholarship program.

(a) For transfer to the commissioner of the Office of Higher Education for the aspiring teachers of color scholarship program under Laws 2021, First Special Session, chapter 2, article 2, section 45:

\$	1,000,000	<u>2025</u>
----	-----------	-------	-------------

(b) The commissioner of the Office of Higher Education may use no more than four percent of the appropriation for program administration.

(c) This is a onetime appropriation.

EFFECTIVE DATE. This section is effective July 1, 2024.

ARTICLE 6

CHARTER SCHOOLS

Section 1. Minnesota Statutes 2023 Supplement, section 124E.13, subdivision 1, is amended to read:

Subdivision 1. **Leased space.** A charter school may lease space from: an independent or special school board; other public organization; private, nonprofit, nonsectarian organization; private property owner; or a sectarian organization if the leased space is constructed as a school facility. In all cases, the eligible lessor must also be the building owner. The commissioner must review and approve or disapprove leases lease aid applications in a timely manner to determine eligibility for lease aid under section 124E.22.

Sec. 2. Minnesota Statutes 2022, section 124E.22, is amended to read:

124E.22 BUILDING LEASE AID.

(a) When a charter school finds it economically advantageous to rent or lease a building or land for any instructional purpose and it determines that the total operating capital revenue under section 126C.10, subdivision 13, is insufficient for this purpose, it may apply to the commissioner for building lease aid in the form and manner prescribed by the commissioner. The commissioner must review and either approve or deny a lease aid application using at least the following criteria:

(1) the reasonableness of the price based on current market values;

(2) the extent to which the lease conforms to applicable state laws and rules; and

(3) the appropriateness of the proposed lease in the context of the space needs and financial circumstances of the charter school. The commissioner must approve aid only for a facility lease that has (i) a sum certain annual cost and (ii) a closure clause to relieve the charter school of its lease obligations at the time the charter contract is terminated or not renewed. The closure clause under item (ii) must not be constructed or construed to relieve the charter school of its lease obligations in effect before the charter contract is terminated or not renewed.

(b) A charter school must not use the building lease aid it receives for custodial, maintenance service, utility, or other operating costs.

(c) The amount of annual building lease aid for a charter school shall not exceed the lesser of (1) 90 percent of the approved cost or (2) the product of the charter school building lease aid pupil units served for the current school year times \$1,314.

(d) A charter school's building lease aid pupil units equals the sum of the charter school pupil units under section 126C.05 and the pupil units for the portion of the day that the charter school's enrolled students are participating in the Postsecondary Enrollment Options Act under section 124D.09 and not otherwise included in the pupil count under section 126C.05.

Sec. 3. Laws 2023, chapter 55, article 2, section 64, subdivision 119, as amended by Laws 2024, chapter 81, section 9, is amended to read:



ST. CROIX PREPARATORY ACADEMY BOARD GOALS

I. KEY MISSION & OPERATIONAL GOALS

- Maintain emphasis on mission statement
- Maintain classical emphasis
- Annual student retention of 95%
- Annual employee retention of 90%
- Maintain communication protocol
- Maintain culture
- Wait list > 700
- Mission and classical emphasis means:
 - Adherence to Riggs phonics, core knowledge curriculum, Latin, classical literature. Logic, college prep, etc.
 - Careful and delayed evaluation, and even avoidance of latest educational and societal trends (e.g. project based learning, no homework, no retention/accountability, social emotional learning, instruction on race-gender-politically divisive issues, etc.) – See Trivium, Hype Cycle.

II. FINANCIAL GOALS

- 25% Fund Balance (2011 Board adopted policy states 20-22%)
- 73%-74% Salaries/Benefits of total budget
- Clean audit
- Compliance with bond covenants
 - Days cash on hand -- > 60
 - Debt Service Coverage Ratio - > 1.1
- Wait list > 700

III. EDUCATIONAL GOALS (Annual)

- School's 3rd Grade reading proficiency > MN 3rd grade reading proficiency by at least 25 percentage points
- School's reading proficiency > MN reading proficiency by at least 23 percentage points
- School's math proficiency > MN math proficiency by at least 20 percentage points
- School's math, reading, and science proficiency rates > Stillwater's math, reading, and math proficiency rates by at least 10 percentage points
- School's math, reading, and science proficiency rates > either Edina, Wayzata, or Orono school district.
- School's reading and math proficiency for each racial or economic subgroup > MN proficiency rates for each subgroup by at least 25 percentage points
- School will administer a nationally-normed assessment in at least two grades (Middle School and/or Upper School), and more than 50% of the students will exceed the national average.
- Each year, at least 90% of graduating School students will have taken either the ACT or SAT, and a minimum of 70% of those students will exceed the state-average score.
- Each year, a minimum of 50% of School students in grades 9-12 will take an Advanced Placement course, and at least 80% of those students will receive a grade of C or better.
- Each year, a minimum of 50% of School students in grades 9-12 will have taken an Advanced Placement test and at least 75% of those students will achieve a minimum score of 3.
- Each year, 95% of all the School's kindergarten students continuously enrolled since the first day of school will be able to
 - Generate all sounds of the first 26 phonograms (letters a-z) by the end of Quarter 2



- Count to 32 by December 15, and
- Identify all 26 upper and lower case letters by May 15
- Each year, at least 90% of 12th grade students will graduate.
- Each year, at least 90% of 12th grade students will be accepted to a post-secondary educational institution
- School Digger – Rank in top 5 schools in Minnesota

IV. FOUNDATION GOALS

- Build a Comprehensive Case for Support
- Determine Strategy for Increasing Membership on the Board
- Establish an Integrated Annual Giving Program
- Identify, Cultivate and Steward Major Gift Prospects and Donors
- Create Donor-Centered Stewardship Plan
- Establish/Name Legacy Giving Society
- Hire Development Director/Executive Director of the Foundation

V. LONG TERM STRATEGIC GOALS

- Evaluate expansion/replication every five years
- Increase teacher compensation
- Proactive professional development to ensure administrative succession planning
- Proactive planning to ensure to ensure board succession planning



**St. Croix Preparatory Academy
Board Retreat Agenda
October 12th, 2024**

Water Street Inn
101 Water St S, Stillwater, MN 55082

8:30 - 8:45 - Breakfast

8:45 - 9:15

- Call meeting to order
- Introductions
- Meeting Norms
- Meeting Objectives
- Review Succession Planning Timeline

Quick Break

9:15 - 10:15

- Interview Process
- Leadership Criteria

10:15 - 10:45

- Job Description
- Compensation Range

10:45 - 11:45

- Interview Questions Activity Part 1

11:45- 12:30 - LUNCH

12:30 - 1:45

- Interview Questions Activity Part 2

1:45 - 2:00

- Wrap up
- Adjourn