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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 3181

03/01/2018 Authored by Erickson
The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act
1.2 relating to education; requiring the high school league to maintain a public
1.3 rulemaking docket; providing for eligibility rules hearings; amending Minnesota
1.4 Statutes 2016, section 128C.03.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 128C.03, is amended to read:

1.7 **128C.03 PROCEDURES.**

1.8 Subdivision 1. Eligibility rules docket. ~~The league shall adopt procedures to ensure~~
1.9 ~~public notice of all eligibility rules and policies that will afford the opportunity for public~~
1.10 ~~hearings on proposed eligibility rules. If requested by 100 or more parents or guardians of~~
1.11 ~~students, the public hearing must be conducted by an administrative law judge from the~~
1.12 ~~Office of Administrative Hearings, by a person hired under contract by the Office of~~
1.13 ~~Administrative Hearings, or by an independent hearing officer appointed by the commissioner~~
1.14 ~~of education from a list maintained for that purpose. At the conclusion of a hearing requested~~
1.15 ~~by 100 or more parents or guardians of students, the person conducting the hearing shall~~
1.16 ~~write a report evaluating the extent to which the league has shown that the proposed rule is~~
1.17 ~~needed and reasonable and the legality of the proposed rule. The league shall pay for hearings~~
1.18 ~~under this section. (a) "Eligibility rules," as used in this section, includes league bylaws,~~
1.19 ~~policies, and procedures.~~

1.20 (b) The league must maintain a public rulemaking docket on the league's Web site. At
1.21 least 30 days before a board meeting to consider a new eligibility rule or change to an
1.22 existing eligibility rule, the league must post on the docket notice of the meeting and a copy
1.23 of the proposed rule, including the proposed effective date. The league must post on the

2.1 docket notice of a hearing held in accordance with subdivision 2 and a copy of all documents
2.2 submitted to the administrative law judge or hearing officer and the hearing report.

2.3 Subd. 2. **Eligibility rules hearings.** (a) The league must hold a public hearing on a
2.4 proposed eligibility rule if it receives a request by 25 or more parents or guardians of students.
2.5 The league must pay for hearings under this section.

2.6 (b) A hearing under this section must be conducted by an administrative law judge or
2.7 by an independent hearing officer appointed by the commissioner of education from a list
2.8 maintained for that purpose. The commissioner of education must comment at the hearing
2.9 or in writing on whether a proposed rule is needed and reasonable. At the conclusion of the
2.10 hearing, the person conducting the hearing must write a report evaluating the need for and
2.11 reasonableness of the proposed rule.

2.12 (c) If the administrative law judge or hearing officer determines that the proposed rule
2.13 is not needed and reasonable, the league must remedy the defects identified in the hearing
2.14 report. The league must submit the revised proposed rule to the administrative law judge
2.15 or hearing officer for approval. The league must not adopt the rule until it has received final
2.16 approval from the administrative law judge or hearing officer.