

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2774

(SENATE AUTHORS: CWODZINSKI)

DATE
03/20/2025

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Introduction and first reading
Referred to Education Policy

OFFICIAL STATUS

1.1A bill for an act

1.2relating to education; modifying requirements for charter school boards of directors

1.3and charter school chief administrators; amending Minnesota Statutes 2024, sections

1.410A.01, subdivision 35; 124E.07, subdivisions 2, 3, 5; 124E.12, subdivision 2.

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

1.6Section 1. Minnesota Statutes 2024, section 10A.01, subdivision 35, is amended to read:

1.7Subd. 35. **Public official.** "Public official" means any:

1.8(1) member of the legislature;

1.9(2) individual employed by the legislature as secretary of the senate, legislative auditor,

1.10director of the Legislative Budget Office, chief clerk of the house of representatives, revisor

1.11of statutes, or researcher, legislative analyst, fiscal analyst, or attorney in the Office of

1.12Senate Counsel, Research and Fiscal Analysis, House Research, or the House Fiscal Analysis

1.13Department;

1.14(3) constitutional officer in the executive branch and the officer's chief administrative

1.15deputy;

1.16(4) solicitor general or deputy, assistant, or special assistant attorney general;

1.17(5) commissioner, deputy commissioner, or assistant commissioner of any state

1.18department or agency as listed in section 15.01 or 15.06, or the state chief information

1.19officer;

1.20(6) member, chief administrative officer, or deputy chief administrative officer of a state

1.21board or commission that has either the power to adopt, amend, or repeal rules under chapter

1.2214, or the power to adjudicate contested cases or appeals under chapter 14;

(7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

(8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or unemployment law judge in the Department of Employment and Economic Development;

(12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Enterprise Minnesota, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

(18) member of the Minnesota Ballpark Authority established in section 473.755;

(19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

(20) manager of a watershed district, or member of a watershed management organization as defined under section 103B.205, subdivision 13;

(21) supervisor of a soil and water conservation district;

(22) director of Explore Minnesota Tourism;

(23) citizen member of the Lessard-Sams Outdoor Heritage Council established in section 97A.056;

(24) citizen member of the Clean Water Council established in section 114D.30;

(25) member or chief executive of the Minnesota Sports Facilities Authority established in section 473J.07;

(26) district court judge, appeals court judge, or supreme court justice;

3.1 (27) county commissioner;

3.2 (28) member of the Greater Minnesota Regional Parks and Trails Commission;

3.3 (29) member of the Destination Medical Center Corporation established in section
3.4 469.41; ~~or~~

3.5 (30) chancellor or member of the Board of Trustees of the Minnesota State Colleges
3.6 and Universities;

3.7 (31) member of a charter school ongoing board of directors under section 124E.07; or

3.8 (32) charter school director or chief administrator for a school formed according to
3.9 chapter 124E.

3.10 Sec. 2. Minnesota Statutes 2024, section 124E.07, subdivision 2, is amended to read:

3.11 Subd. 2. **Ongoing board of directors.** The initial board must begin the transition to the
3.12 ongoing board structure by the end of the first year of operation and complete the transition
3.13 by the end of the second year of operation. The terms of board members shall begin on July
3.14 1. Terms shall be no less than two years. The bylaws shall set the number of terms an
3.15 individual may serve on the board and as an officer of the board. ~~Board elections must be~~
3.16 ~~held during the school year but may not be conducted on days when the school is closed~~
3.17 Members of the ongoing board of directors are public officials under chapter 10A.

3.18 Sec. 3. Minnesota Statutes 2024, section 124E.07, subdivision 3, is amended to read:

3.19 Subd. 3. **Membership criteria.** (a) The ongoing charter school board of directors ~~shall~~
3.20 must have at least five members. The board members must reside in Minnesota. The board
3.21 members must not be related parties. The ongoing board must include: (1) at least one
3.22 licensed teacher; (2) at least one parent or legal guardian of a student enrolled in the charter
3.23 school who is not an employee of the charter school; and (3) at least one interested
3.24 community member. A community member serving on the board ~~must reside in Minnesota,~~
3.25 must not have a child enrolled in the school; and must not be an employee of the charter
3.26 school.

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

3.28 (1) be employed by the school or provide at least 720 hours of service under a contract
3.29 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 (1) be a majority of teachers under paragraph (b), (2) be a majority of parents, (3) be a majority of community members, or (4) have no clear majority.

(d) The chief administrator may only serve as an ex-officio nonvoting board member. No charter school employees shall serve on the board other than teachers under paragraph (b).

(e) 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.

(f) A violation of paragraph (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 (e) is individually liable to the charter school for any damage caused by the violation.

(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.

(i) A board member must not receive more compensation for their role as a charter school board member than a school board member in the school district in which the charter school is located.

Sec. 4. Minnesota Statutes 2024, section 124E.07, subdivision 5, is amended to read:

Subd. 5. **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.

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

(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.

(e) Board elections must be held during the school year but must not be conducted on days when school is closed.

(f) An elected board member must file a written oath of office with the charter school's authorizer.

Sec. 5. Minnesota Statutes 2024, section 124E.12, subdivision 2, is amended to read:

Subd. 2. **Administrators.** (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

6.1 director or chief administrator. The charter school director or chief administrator must use
6.2 those qualifications as the basis for the job descriptions, hiring, and performance reviews
6.3 for the administrative staff, academic program supervisors, and instructional leaders who
6.4 report to the charter school director or chief administrator.

6.5 (b) A person who does not hold a valid administrator's license may perform
6.6 administrative, academic supervision, or instructional leadership duties. A person without
6.7 a valid administrator's license serving as a charter school director or chief administrator
6.8 must complete a minimum of 25 hours annually of competency-based training corresponding
6.9 to the individual's annual professional development needs and plan approved by the charter
6.10 school board of directors. Training includes but is not limited to: instruction and curriculum;
6.11 state standards; teacher and staff hiring, development, support, and evaluation;
6.12 social-emotional learning; data collection and usage; assessment methodologies; use of
6.13 technology for learning and management; charter school law and requirements; code of
6.14 professional ethics; financial management and state accounting requirements; grant
6.15 management; legal and compliance management; special education management; health
6.16 and safety laws; restorative justice; cultural competencies; effective communication; parent
6.17 relationships; board and management relationships; community partnerships; charter contract
6.18 and authorizer relationships; and public accountability.

6.19 (c) A person serving as a charter school director or chief administrator with a valid
6.20 administrator's license must complete a minimum of ten hours of competency-based training
6.21 during the first year of employment on the following: charter school law and requirements,
6.22 board and management relationships, and charter contract and authorizer relationships.

6.23 (d) The training a person must complete under paragraphs (b) and (c) may not be
6.24 self-instructional. The organization or instructor providing the training must certify
6.25 completion of the training. The person must submit the certification of completion of training
6.26 to the charter school board of directors and certifications must be maintained in the personnel
6.27 file. Completing required training must be a component of annual performance evaluations.

6.28 (e) All professional development training completed by the charter school director or
6.29 chief administrator in the previous academic year must be documented in the charter school's
6.30 annual report.

6.31 (f) No charter school administrator may serve as a paid administrator or consultant with
6.32 another charter school without the knowledge and a two-thirds vote of approval of the boards
6.33 of directors of the charter schools involved in such an arrangement. The boards of directors

7.1 involved in such arrangements must send notice of this arrangement to authorizers upon
7.2 approval by the boards.

7.3 (g) No charter school administrator may serve on the board of directors of another charter
7.4 school, except that an individual serving as an administrator serving more than one school
7.5 under paragraph (f) may serve on each board as an ex-officio member.

7.6 (h) A person serving as a charter school director or chief administrator is a public official
7.7 under chapter 10A.