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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **2621**

03/01/2012 Authored by Kelly, Garofalo, Woodard, Erickson, Petersen, B., and others

The bill was read for the first time and referred to the Committee on Education Reform

03/12/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations and Elections

1.1 A bill for an act  
1.2 relating to education; making certain special or independent school districts  
1.3 subject to mayoral control; amending Minnesota Statutes 2010, section 128D.02;  
1.4 proposing coding for new law in Minnesota Statutes, chapter 123A.

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

1.6 Section 1. [123A.695] CHANGE FROM INDEPENDENT TO MAYORAL  
1.7 DISTRICT.

1.8 Subdivision 1. **Definition.** For the purposes of this section, "city" means a statutory  
1.9 or home rule charter city with more than 250,000 residents located in the seven-county  
1.10 metropolitan area.

1.11 Subd. 2. **Mayoral governance option.** The mayor of a city may govern an  
1.12 independent school district with administrative offices in the city as provided in this  
1.13 section if the mayor:

1.14 (1) submits written notice of intent to govern the district to the commissioner by  
1.15 September 1 in any calendar year;

1.16 (2) within 90 days after submitting notice under clause (1):

1.17 (i) holds at least one public meeting within the boundaries of the affected district  
1.18 seeking public comment on changing district governance; and

1.19 (ii) with assistance from district and department employees at the mayor's request,  
1.20 develops and publishes a plan consistent with this section for governing the district; and

1.21 (3) presents the published plan at a public meeting within the boundaries of the  
1.22 affected district.

1.23 A mayor who meets the requirements of this subdivision may govern the affected  
1.24 district for ten consecutive school years beginning in the next school year after these

2.1 requirements are met. The transition to mayoral governance does not affect any collective  
2.2 bargaining agreement then in effect or reduce the term of any then-serving school board  
2.3 member. After the ten-school-year term expires, a school board subject to section 123B.09,  
2.4 subdivision 1, shall govern the district unless otherwise specifically provided in law.

2.5 Subd. 3. **Mayoral governance requirements.** If the option for mayoral governance  
2.6 is exercised, the care, management, supervision, conduct, and control of the school district  
2.7 and all the powers and rights of school boards of independent school districts are as  
2.8 provided in subdivisions 4 to 6.

2.9 Subd. 4. **Mayoral appointment of school board, district administrator; powers**  
2.10 **and duties.** (a) Notwithstanding other law to the contrary, the mayor shall appoint a board  
2.11 of education composed of seven members who reside in and reflect the diversity of the  
2.12 city and a chief executive officer with recognized administrative ability and management  
2.13 experience who manages the district and has all other powers and duties of the district  
2.14 superintendent.

2.15 (b) To assemble the members of the board of education, the mayor shall appoint a  
2.16 qualified successor for each incumbent school board member at the time that member's  
2.17 term expires. In the case of a six-member board, when appointing the initial three  
2.18 successors, the mayor shall also appoint one additional qualified person to serve on the  
2.19 board of education. In the case of a seven-member board, if the mayor initially appoints  
2.20 three successors, the mayor shall also appoint one additional qualified person to serve  
2.21 on the board of education, and appoint only three successors upon the expiration of all  
2.22 remaining terms regardless of the number of terms expiring. The chief executive officer  
2.23 is not required to hold a school superintendent license or other administrative license  
2.24 under this section.

2.25 (c) The powers and duties of the board of education include:

2.26 (1) increasing the quality of education services in the school district;

2.27 (2) implementing policies, programs, and strategies to increase challenging learning  
2.28 opportunities targeted to diverse groups of students, increase student engagement and  
2.29 connection and community and family partnerships, and improve the educational  
2.30 outcomes of all groups of students enrolled in district schools so that students at least meet  
2.31 or exceed statewide averages for proficiency in reading and mathematics and demonstrate  
2.32 medium or high growth or, if students are not proficient in reading and mathematics,  
2.33 they consistently demonstrate high growth;

2.34 (3) reducing the cost of noneducational services and implementing cost-saving  
2.35 measures;

2.36 (4) developing a long-term financial plan;

3.1 (5) streamlining and strengthening management of the system, including a  
3.2 school-based budgeting process to refocus resources on student achievement;  
3.3 (6) enacting policies and procedures to ensure an ethical and efficient system;  
3.4 (7) establishing or repurposing local school or school site council advisory boards;  
3.5 and  
3.6 (8) establishing organizational structures needed to efficiently and effectively  
3.7 operate the system.

3.8 (d) The members of the board of education serve staggered four-year terms.  
3.9 Board members serve without compensation or reimbursement of expenses incurred in  
3.10 performing board duties unless the mayor establishes a procedure to reimburse members  
3.11 for reasonable and necessary expenses.

3.12 Subd. 5. **School site council.** Each school site located within a district subject to  
3.13 mayoral governance must have an 11-member school site advisory council composed of  
3.14 the school principal or other person having administrative control of the school, two  
3.15 licensed teachers employed in the school, six parents of children enrolled in the school,  
3.16 and two community residents. School site council members serve two-year terms and are  
3.17 appointed by the school board of the district until the board of education under subdivision  
3.18 4 is assembled, at which time the board of education shall make all subsequent school  
3.19 site council appointments. School site council members must reflect the diversity of  
3.20 the school site to the extent practicable.

3.21 Subd. 6. **Exemption; relation to home rule charter.** (a) Notwithstanding other law  
3.22 to the contrary, school districts under this section are exempt from the statutes and rules  
3.23 specified in section 124D.10, subdivision 7, to the extent the exemptions are consistent  
3.24 with and required to implement the provisions of this section.

3.25 (b) The authority in this section supersedes any home rule charter or ordinance  
3.26 provision inconsistent or in conflict with this section.

3.27 Subd. 7. **Education advisory council.** The mayor shall appoint an education  
3.28 advisory council composed of representatives of the business community with experience  
3.29 in finance and management, parents of enrolled students, teachers and principals  
3.30 currently employed in the schools, and other interested persons representing various  
3.31 education-related service organizations and public and private nonprofit agencies, among  
3.32 other interests. Advisory council members shall convene periodically and provide  
3.33 advice to the mayor upon request. Members serve without compensation and without  
3.34 reimbursement of expenses incurred in performing duties under this subdivision. The  
3.35 education advisory council is subject to the open meeting law.

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

4.1 Sec. 2. Minnesota Statutes 2010, section 128D.02, is amended to read:

4.2 **128D.02 BOARD OF EDUCATION GOVERNING ENTITY LIKE**  
4.3 **INDEPENDENT DISTRICT'S DISTRICTS.**

4.4 Subdivision 1. General authority. Except as provided in subdivision 2, the  
4.5 governing body of ~~such~~ the school district shall be a board of education, which board  
4.6 shall have the care, management, supervision, conduct, and control of the school district  
4.7 and shall have all the powers and rights of school boards of independent school districts  
4.8 except as otherwise stated.

4.9 Subd. 2. Mayoral governance option. The provisions of section 123A.695 apply to  
4.10 the option for implementing mayoral governance of the school district. If the option is  
4.11 exercised, during the ten-school-year term, sections 128D.05; 128D.08, subdivisions 1, 3,  
4.12 and 4; and 128D.14, do not apply. After the ten-school-year term expires, a school board  
4.13 shall govern the district, subject to sections 128D.05; 128D.08, subdivisions 1, 3, and 4;  
4.14 and 128D.14, unless otherwise specifically provided in law.

4.15 EFFECTIVE DATE. This section is effective the day following final enactment  
4.16 without local approval, as provided in Minnesota Statutes, section 645.023, subdivision 1.

4.17 Sec. 3. **POTENTIAL CONFLICTS.**

4.18 To the extent any conflicts with existing law arise under this act, the attorney general,  
4.19 in collaboration with affected city attorneys, shall provide advice to implement this law to  
4.20 the extent practicable and, if needed, propose legislation to resolve the conflicts.

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

4.22 Sec. 4. **MAYORAL GOVERNANCE IMPLEMENTATION REPORT.**

4.23 Any mayor who exercises the mayoral governance option under Minnesota Statutes,  
4.24 section 123A.695, must submit written recommendations to the legislative committees  
4.25 with jurisdiction over kindergarten through grade 12 education finance and policy by  
4.26 February 15, 2013, for fully implementing sections 1 and 2.

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