

A bill for an act
relating to education; amending charter school provisions; creating a commission;
authorizing a private nonprofit corporation; amending Minnesota Statutes 2008,
section 124D.10, by adding a subdivision; proposing coding for new law in
Minnesota Statutes, chapter 124D.

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

Section 1. **[124D.099] NEW SCHOOLS MINNESOTA.**

Subdivision 1. Creation. A commission called New Schools Minnesota is established to assist the governor, the legislature, and the commissioner of education. The mission of the commission is to address academic and fiscal challenges being faced by public education by providing state leadership for creating fundamentally new and different models of public schools that result in improved student achievement. For the initial appointments, the terms of the board members of the commission shall be one year for one-third of the members, two years for one-third of the members, and three years for one-third of the members. Thereafter, the terms of members shall be for three years. Members may be reappointed upon the completion of their current term. The compensation, filling of vacancies, and removal of members are governed by section 15.0575. The commission may accept gifts and contributions from public and private organizations.

Subd. 2. Membership. (a) The commission shall consist of nine voting members. Voting members shall include the commissioner of education who shall be an ongoing member and shall serve as chair for the first three years after which time the chair will be selected by the members.

(b) The governor, the speaker of the house of representatives, and the majority leader of the senate shall each appoint three voting members. For the initial appointment, each

shall appoint one member for one year, one member for two years, and one member for three years. The commissioner of education shall be the governor's three-year appointee.

(c) The commission may appoint up to six nonvoting members from among educators, education organizations, and other parties with expertise in new models of teaching and learning, finance, technology evaluation models, and other areas to be determined by the commission.

(d) When appointments are made, the appointing authority shall, to the extent possible, select members representative of geography, race, ethnicity, age, and gender.

Subd. 3. **Duties.** The commission shall:

(1) provide outreach to educators, community groups, and others to help stimulate interest and develop proposals for new and fundamentally different schools;

(2) conduct research to identify high-priority, unmet student learning needs in all parts of the state, as well as districts facing severe fiscal stress where new learning models or organizational models could help make districts and schools more fiscally sustainable;

(3) ensure that quality assistance as well as nongovernmental support is available to assist districts and other new school developers create proposals for high quality new models of schools and schooling and ultimately to effectively implement these new models;

(4) as provided in section 123B.04, develop an application process for district boards that intend to operate self-governed schools, conduct a review, and comment on a site application at the request of sites and make recommendations to the commissioner of education regarding the approval of state-funded grants;

(5) as provided in section 124D.10, develop the application process and conduct the reviews of applications of organizations requesting approval to be sponsors of charter schools and make recommendations to the commissioner of education regarding approval, renewal, and removal of sponsoring authority;

(6) administer the federal charter school grant;

(7) actively pursue private and federal funding sources to assist the commission in carrying out this section and assist public schools in developing innovative models of schooling;

(8) develop new models of evaluation that may be used by the new schools developed under this section;

(9) report to the governor, legislature, and commissioner of education annually regarding the activities performed under this section and make recommendations for ongoing development of new models of schools.

3.1 Subd. 4. **Delegation to nonprofit.** The commission shall create a private nonprofit
3.2 corporation and make application for tax-exempt status under section 501(c)(3) of the
3.3 federal Internal Revenue Code of 1986. The members appointed in subdivision 2 shall
3.4 serve as the corporation's board of directors. The private nonprofit corporation is not
3.5 subject to laws governing state agencies or political subdivisions, except the provisions
3.6 of chapter 13, the Open Meeting Law under chapter 13D, salary limits under section
3.7 15A.0815, subdivision 2, and audits by the legislative auditor under chapter 3. The board
3.8 of directors and the executive director of the nonprofit corporation are each considered an
3.9 "official" for purposes of section 10A.071. The commission may delegate any or all of its
3.10 powers and duties under state and federal law to the private nonprofit corporation. The
3.11 commission may revoke a delegation of powers and duties at any time.

3.12 Sec. 2. Minnesota Statutes 2008, section 124D.10, is amended by adding a subdivision
3.13 to read:

3.14 Subd. 2b. **New Schools Minnesota.** New Schools Minnesota, as defined in section
3.15 124D.099, shall perform the following functions regarding charter schools:

3.16 (1) develop the application and review process, conduct the reviews of organizations
3.17 intending to grant charters and make recommendations to the commissioner regarding
3.18 whether these organizations are qualified to serve as sponsors. The review process shall be
3.19 consistent with the provisions of subdivision 3 of this section;

3.20 (2) develop the application and review process, conduct the reviews of organizations
3.21 who have been approved by the commissioner as sponsors as provided in clause (1) and
3.22 make recommendations to the commissioner regarding the renewal of the organizations to
3.23 continue as sponsors of chartered schools;

3.24 (3) in cooperation with the Department of Education, provide training and assistance
3.25 to sponsors to enable them to carry out their role in a competent manner consistent with
3.26 best practice and as provided in their approved application to serve as a sponsor; and

3.27 (4) manage the federal charter school grant awarded to the department. The
3.28 commissioner shall contract with New Schools Minnesota to administer the grant.