

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2352

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DATE
04/27/2017

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3331 Introduction and first reading
Referred to E-12 Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education; implementing recommendations from the Office of the
1.3 Legislative Auditor's April 2017 evaluation report of the Minnesota State High
1.4 School League; amending Minnesota Statutes 2016, sections 128C.02, subdivision
1.5 6; 128C.03; 128C.20, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2016, section 128C.02, subdivision 6, is amended to read:

1.8 Subd. 6. **Annual report Information to commissioner.** The board annually shall prepare
1.9 ~~a written report containing~~ make available the information about the league that the
1.10 commissioner is required to obtain and review under section 128C.20. ~~The board shall~~
1.11 ~~present copies of the report in a timely manner to the education committees of the legislature.~~

1.12 Sec. 2. Minnesota Statutes 2016, section 128C.03, is amended to read:

1.13 **128C.03 ELIGIBILITY BYLAWS, POLICIES, AND PROCEDURES.**

1.14 **Subdivision 1. Public input and access to proposed eligibility bylaws, policies, and**
1.15 **procedures.** (a) The league shall adopt procedures to ensure public notice of all eligibility
1.16 ~~rules and bylaws, policies, and procedures~~ that will afford the opportunity for public hearings
1.17 on proposed eligibility ~~rules~~ bylaws, policies, and procedures. If requested by ~~100~~ 25 or
1.18 more parents or guardians of students, the public hearing must be conducted by an
1.19 administrative law judge from the Office of Administrative Hearings, by a person hired
1.20 under contract by the Office of Administrative Hearings, or by an independent hearing
1.21 officer appointed by the commissioner of education from a list maintained for that purpose.
1.22 At the conclusion of a public hearing ~~requested by 100 or more parents or guardians of~~
1.23 ~~students~~, the person conducting the hearing shall write a report evaluating the extent to

which the league has shown that the proposed ~~rule~~ bylaw, policy, or procedure is needed and reasonable and the legality of the proposed ~~rule~~ bylaw, policy, or procedure. The league shall pay for hearings under this section.

(b) The league shall:

(1) maintain a public docket on the league's Web site that includes historical and proposed changes in eligibility bylaws, policies, and procedures;

(2) post notice and final versions of all proposed changes to eligibility policies, procedures, and definitions to the league Web site for at least 30 days prior to board meetings;

(3) include publication dates on all versions of the league's official handbook or other advisory documents regarding league eligibility bylaws, policies, procedures, and definitions;
and

(4) reconcile and remove duplicate eligibility policies and procedures.

Subd. 2. **Fair hearing process.** (a) The league must establish a fair hearing process for student eligibility appeals. The league must:

(1) publish general criteria by which an appeal may qualify for a fair hearing;

(2) for each qualifying appeal, indicate the conditions, timelines, and procedures for administering the fair hearing; and

(3) for appeals for which the league denies a fair hearing, provide specific reasons for denying the hearing.

(b) A fair hearing must be conducted by an independent hearing officer appointed at random by the commissioner of education from a list maintained for that purpose.

Sec. 3. Minnesota Statutes 2016, section 128C.20, subdivision 1, is amended to read:

Subdivision 1. **Annually.** (a) Each year the commissioner of education shall obtain and review the following information about the league:

(1) an accurate and concise summary of the annual financial and compliance audit prepared by the state auditor that includes information about the compensation of and the expenditures by the executive director of the league and league staff;

(2) a list of all complaints filed with the league and all lawsuits filed against the league and the disposition of those complaints and lawsuits;

(3) an explanation of the executive director's performance review;

3.1 (4) information about the extent to which the league has implemented its affirmative
3.2 action policy, its comparable worth plan, and its sexual harassment and violence policy and
3.3 rules; and

3.4 (5) an evaluation of ~~any proposed changes in league policy~~ bylaws, procedures, policies,
3.5 and definitions, including those that have been proposed, for compliance with Department
3.6 of Education programs and applicable state and federal law.

3.7 The commissioner shall present written copies of the review to the league board of directors
3.8 and the chairs and ranking minority members of the legislative committees with jurisdiction
3.9 over kindergarten through grade 12 education.

3.10 (b) The commissioner may examine any league activities or league-related issues when
3.11 the commissioner believes this review is warranted.