

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2201

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DATE	D-PG	OFFICIAL STATUS
03/01/2012	4079	Introduction and first reading Referred to Education
03/08/2012	4261a	Comm report: To pass as amended and re-refer to Higher Education
03/15/2012	4486a	Comm report: To pass as amended and re-refer to Finance
04/03/2012		Comm report: To pass as amended Second reading

A bill for an act

1.1
1.2 relating to education; providing for the creation of individualized learning
1.3 schools; modifying certain site-governed school, postsecondary enrollment
1.4 options, and charter school provisions; amending Minnesota Statutes 2010,
1.5 sections 120B.024; 123B.045, subdivision 3; 124D.09, subdivisions 9, 12, 13,
1.6 24, 25; 135A.101, subdivision 1; Minnesota Statutes 2011 Supplement, sections
1.7 124D.09, subdivision 5; 124D.10, subdivision 3; proposing coding for new law
1.8 in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 2010, section
1.9 124D.09, subdivision 23.

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

ARTICLE 1

INDIVIDUALIZED LEARNING SCHOOLS

Section 1. **CITATION.**

1.14 This act may be referred to as "The Improved Achievement through Individualized
1.15 Learning Act."

Sec. 2. **[124D.065] INDIVIDUALIZED LEARNING SCHOOLS.**

1.17 Subdivision 1. **Purpose.** To expand and improve student achievement, the state
1.18 finds it useful to provide for the creation of new opportunities to permit and encourage
1.19 individualized learning and instruction. The purpose of this section is to enable and
1.20 encourage schools to introduce and expand individualization in Minnesota's system of
1.21 public education by:

1.22 (1) making it possible for schools to adapt learning to the needs and aptitudes of
1.23 individual students, and to establish standards for individual students beyond the common
1.24 standards required of all students;

2.1 (2) extending and expanding achievement by changing the pace of learning,
2.2 including greater use by individual students of accelerated learning through postsecondary
2.3 options;

2.4 (3) providing the state with research and evidence about new approaches to learning
2.5 and new ways to organize and operate schools;

2.6 (4) realizing more fully the potential of chartered and self-governed schools for
2.7 innovation, especially ways to individualize within existing resources, as an aid to small
2.8 districts facing financial stress;

2.9 (5) evaluating and demonstrating competency-based progression, as an alternative
2.10 to age-based progression;

2.11 (6) improving motivation of both students and teachers;

2.12 (7) testing and demonstrating new dimensions of achievement; and

2.13 (8) creating opportunities for new uses of learning technology.

2.14 Subd. 2. **Creation.** (a) An individualized learning school may be a charter school
2.15 under section 124D.10, a site-governed school under section 123B.045, or an area
2.16 learning center or contract alternative school under section 123A.05. Notwithstanding
2.17 any law to the contrary, a charter authorizer may establish an application and amendment
2.18 process, consistent with this section, for an existing charter school to apply to become
2.19 an individualized learning school. Notwithstanding any law to the contrary, a charter
2.20 authorizer establishing a new charter school under section 124D.10, may require the
2.21 school to include the requirements of subdivision 3, making it an individualized
2.22 learning school. Notwithstanding any law to the contrary, a school district may establish
2.23 an application and amendment process, consistent with this section, for an existing
2.24 site-governed school, contract alternative school, or area learning center operated by the
2.25 district to apply to become an individualized learning school. A school district may limit
2.26 a request for site-governed school proposals under section 123B.045, subdivision 1, to
2.27 individualized learning schools.

2.28 (b) The authorizer, in the case of a charter school, or the district, in the case of a
2.29 site-governed school, area learning center, or contract alternative school, is the approving
2.30 authority for a school proposing to individualize learning. Decisions by authorizers and
2.31 boards on both processes and approvals shall be final. Notwithstanding any law to the
2.32 contrary, no decision by a school, authorizer, or district to individualize its program is
2.33 subject to approval by the commissioner.

2.34 (c) An individualized learning school must describe, in its annual report, the nature
2.35 of its program to individualize learning, and make this description available to other
2.36 schools and districts.

3.1 Subd. 3. **Application requirements.** (a) The application for becoming an
3.2 individualized learning school must include:

3.3 (1) a plan stating how achievement will be defined and how the school will
3.4 implement the competency-based student progression which allows for students to
3.5 progress at their own pace by meeting or exceeding the learning standards set for them;

3.6 (2) a description of the individualized learning plan which will be prepared
3.7 electronically for each student;

3.8 (3) a description of how the progress of individual student growth will be maintained
3.9 to ensure demonstrated attainment as well as provide evidence of standards completion;
3.10 and

3.11 (4) the waivers under subdivision 4 that the school plans to use.

3.12 (b) The application for an individualized learning high school, must also include
3.13 graduation standards which are in addition to those provided for in statute or rule and
3.14 indicate whether the standards will require a higher level of attainment than required either
3.15 by the state or district board for students in secondary school.

3.16 (c) In order for a student to graduate from an individualized learning high school, the
3.17 student is required to successfully complete at least one of the following:

3.18 (1) a college-level course taken through postsecondary enrollment options or college
3.19 in the schools;

3.20 (2) an international baccalaureate test and receive a score of 4 or higher, or advanced
3.21 placement test and receive a score of 3 or higher; or

3.22 (3) a supervised work experience program approved by the department as a part of
3.23 an approved secondary vocational education program.

3.24 Subd. 4. **Waivers available.** (a) If included in the individualized learning school's
3.25 application and if approved by the charter authorizer or school district, the individualized
3.26 learning school is exempt from:

3.27 (1) school calendar requirements under section 120A.40;

3.28 (2) hours of instruction requirements under section 120A.41; and

3.29 (3) defined curriculum requirements under Minnesota Rules, parts 3501.0110;
3.30 3501.0170, item F; 3501.1110; and 3501.1160, item B.

3.31 (b) Notwithstanding any law to the contrary, a contract alternative school approved
3.32 by a school district as an individualized learning school is exempt from and subject to the
3.33 same laws and rules as charter schools under paragraph (a) and section 124D.10.

3.34 (c) Notwithstanding any law to the contrary, an area learning center approved as an
3.35 individualized learning school is exempt from and subject to the same laws and rules as
3.36 site-governed schools under section 123B.045, subdivision 4.

4.1 Subd. 5. Review and termination. (a) An individualized learning school shall be
4.2 accountable to its authorizer, in the case of a charter school, or to its district, in the case of
4.3 a site-governed school or contract alternative school, for implementing an individualized
4.4 program of student work. Renewal of its contract or agreement shall be conditional on
4.5 such demonstration.

4.6 (b) The charter authorizer or school district must review each of its individualized
4.7 learning schools at least every three years. The review must include a determination of the
4.8 school's compliance with its approved application. A parent or guardian of a student in an
4.9 individualized learning school may bring a challenge to the school's authorizer or district
4.10 to demonstrate the school's compliance with its approved application between mandatory
4.11 reviews. An authorizer or district may terminate a school's status as an individualized
4.12 learning school at any time, if it determines that the provisions of the approved application
4.13 are not being met.

4.14 **EFFECTIVE DATE.** This section is effective July 1, 2013.

4.15 **ARTICLE 2**

4.16 **COMPLEMENTARY REFORMS**

4.17 Section 1. Minnesota Statutes 2010, section 120B.024, is amended to read:

4.18 **120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

4.19 (a) Students beginning 9th grade in the 2004-2005 school year and later must
4.20 successfully complete the following high school level course credits for graduation:

4.21 (1) four credits of language arts;

4.22 (2) three credits of mathematics, encompassing at least algebra, geometry, statistics,
4.23 and probability sufficient to satisfy the academic standard;

4.24 (3) three credits of science, including at least one credit in biology;

4.25 (4) three and one-half credits of social studies, encompassing at least United
4.26 States history, geography, government and citizenship, world history, and economics or
4.27 three credits of social studies encompassing at least United States history, geography,
4.28 government and citizenship, and world history, and one-half credit of economics taught in
4.29 a school's social studies, agriculture education, or business department;

4.30 (5) one credit in the arts; and

4.31 (6) a minimum of seven elective course credits.

4.32 (b) For purposes of this section, a course credit is equivalent to a student successfully
4.33 completing an academic year of study or a student mastering the applicable subject matter,
4.34 as determined by the local school district. The local school district shall accept and grant

5.1 credit for specific graduation requirements attained for successfully completed courses
5.2 from non-Minnesota postsecondary institutions accredited by an agency recognized by the
5.3 United States Department of Education. Courses taken from accredited non-Minnesota
5.4 postsecondary institutions shall not be paid for by the school district unless the district
5.5 agrees to the payment prior to the student beginning the course.

5.6 ~~(b)~~ (c) An agriculture science course may fulfill a science credit requirement in
5.7 addition to the specified science credits in biology and chemistry or physics under
5.8 paragraph (a), clause (3).

5.9 ~~(e)~~ (d) A career and technical education course may fulfill a science, mathematics, or
5.10 arts credit requirement in addition to the specified science, mathematics, or arts credits
5.11 under paragraph (a), clause (2), (3), or (5).

5.12 **EFFECTIVE DATE.** This section is effective July 1, 2013.

5.13 Sec. 2. Minnesota Statutes 2010, section 123B.045, subdivision 3, is amended to read:

5.14 Subd. 3. **Revenue to self-governed school.** (a) The revenue that shall be allocated
5.15 by the site includes the general education revenue generated by the students at the site
5.16 from state, local, and private sources, referendum revenue, federal revenue from the
5.17 Elementary and Secondary Education Act, Individuals with Disabilities Education
5.18 Act, Carl Perkins Act, and other federal programs as agreed to by the school board
5.19 and site council. In its first operational year, a site-governed school shall be allocated
5.20 compensatory revenue generated by its current year enrollment. All unspent revenue shall
5.21 be carried over to following years for sole use of the site.

5.22 (b) The district may retain an administrative fee ~~for managing the federal~~
5.23 ~~programs, private revenues, and general administrative functions including school board,~~
5.24 ~~superintendent, district legal counsel, finance, accountability and self-governed school~~
5.25 ~~contract oversight, facilities maintenance, districtwide special education programs, and~~
5.26 ~~other such services as agreed to by the site and school board. The administrative fee~~
5.27 ~~shall be included in the agreement.:~~

5.28 (1) for the site's prorated share, but no greater than five percent of the total revenue
5.29 calculated under paragraph (a), for services reported as administrative in the district's
5.30 most recent audit;

5.31 (2) for the site's prorated share for the cost of districtwide special education
5.32 programs; and

5.33 (3) for specific services agreed to by the site and school board not classified as
5.34 administrative in the district's most recent audit such as facilities costs, maintenance,
5.35 and other services. The prorated share must not exceed the district's total expenses

6.1 for these services multiplied by the site-governed school's pupil unit percentage of the
6.2 district's total enrollment.

6.3 (c) As part of the agreement, the district may provide specific services for the site
6.4 and may specify the amount to be paid for each service and retain the revenues for that
6.5 amount. The formula or procedures for determining the amount of revenue to be allocated
6.6 to the site each year shall be consistent with this subdivision and incorporated in the site
6.7 budget annually following a timeline and process that is included in the agreement with
6.8 the school board. The site is responsible for allocating revenue for all staff at the site and
6.9 for the other provisions of the agreement with the district board.

6.10 (d) All unspent revenue shall be carried over to following years for the sole use
6.11 of the site.

6.12 **EFFECTIVE DATE.** This section is effective July 1, 2013.

6.13 Sec. 3. Minnesota Statutes 2011 Supplement, section 124D.09, subdivision 5, is
6.14 amended to read:

6.15 Subd. 5. **Authorization; notification.** Notwithstanding any other law to the
6.16 contrary, an 11th or 12th grade pupil enrolled in a school or an American Indian-controlled
6.17 tribal contract or grant school eligible for aid under section 124D.83, except a foreign
6.18 exchange pupil enrolled in a district under a cultural exchange program, may apply to an
6.19 eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by
6.20 that postsecondary institution. Notwithstanding any other law to the contrary, a 9th or 10th
6.21 grade pupil enrolled in a district or an American Indian-controlled tribal contract or grant
6.22 school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in
6.23 a district under a cultural exchange program, may apply to enroll in nonsectarian courses
6.24 offered under subdivision 10, if after all 11th and 12th grade students have applied for a
6.25 course, additional students ~~are necessary to offer~~ can be accommodated in the course. If an
6.26 institution accepts a secondary pupil for enrollment under this section, the institution shall
6.27 send written notice to the pupil, the pupil's school or school district, and the commissioner
6.28 within ten days of acceptance. The notice must indicate the course and hours of enrollment
6.29 of that pupil. ~~If the pupil enrolls in a course for postsecondary credit, the institution must~~
6.30 ~~notify the pupil about payment in the customary manner used by the institution.~~

6.31 **EFFECTIVE DATE.** This section is effective July 1, 2013.

6.32 Sec. 4. Minnesota Statutes 2010, section 124D.09, subdivision 9, is amended to read:

7.1 Subd. 9. **Enrollment priority.** A postsecondary institution shall give priority to
7.2 its postsecondary students when enrolling 11th and 12th grade pupils in its courses. A
7.3 postsecondary institution may provide information about its programs to a secondary
7.4 school or to a pupil or parent, ~~but it may not advertise or otherwise recruit or solicit~~
7.5 ~~the participation of secondary pupils to enroll in its programs on financial grounds.~~
7.6 An institution must not enroll secondary pupils, for postsecondary enrollment options
7.7 purposes, in remedial, developmental, or other courses that are not college level. Once a
7.8 pupil has been enrolled in a postsecondary course under this section, the pupil shall not
7.9 be displaced by another student.

7.10 **EFFECTIVE DATE.** This section is effective July 1, 2013.

7.11 Sec. 5. Minnesota Statutes 2010, section 124D.09, subdivision 12, is amended to read:

7.12 Subd. 12. **Credits.** A pupil may enroll in a course under this section for ~~either both~~
7.13 secondary credit ~~or and~~ postsecondary credit. ~~At the time a pupil enrolls in a course,~~
7.14 ~~the pupil shall designate whether the course is for secondary or postsecondary credit.~~
7.15 ~~A pupil taking several courses may designate some for secondary credit and some for~~
7.16 ~~postsecondary credit.~~ A pupil must not audit a course under this section.

7.17 A district shall grant academic credit to a pupil enrolled in a course for secondary
7.18 credit if the pupil successfully completes the course. Seven quarter or four semester
7.19 college credits equal at least one full year of high school credit. Fewer college credits may
7.20 be prorated. ~~A district must also grant academic credit to a pupil enrolled in a course for~~
7.21 ~~postsecondary credit if secondary credit is requested by a pupil.~~ If no comparable course is
7.22 offered by the district, the district must, as soon as possible, notify the commissioner, who
7.23 shall determine the number of credits that shall be granted to a pupil who successfully
7.24 completes a course. If a comparable course is offered by the district, the school board
7.25 shall grant a comparable number of credits to the pupil. If there is a dispute between the
7.26 district and the pupil regarding the number of credits granted for a particular course, the
7.27 pupil may appeal the board's decision to the commissioner. The commissioner's decision
7.28 regarding the number of credits shall be final.

7.29 The secondary credits granted to a pupil must be counted toward the graduation
7.30 requirements and subject area requirements of the district. Evidence of successful
7.31 completion of each course and secondary credits granted must be included in the pupil's
7.32 secondary school record. A pupil shall provide the school with a copy of the pupil's grade
7.33 in each course taken for secondary credit under this section. Upon the request of a pupil,
7.34 the pupil's secondary school record must also include evidence of successful completion

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8.1 and credits granted for a course taken for postsecondary credit. In either case, the record
8.2 must indicate that the credits were earned at a postsecondary institution.

8.3 ~~If a pupil enrolls in a postsecondary institution after leaving secondary school, the~~
8.4 ~~postsecondary institution must award postsecondary credit for any course successfully~~
8.5 ~~completed for secondary credit at that institution. Other Postsecondary institutions may~~
8.6 ~~must award, after a pupil leaves secondary school, consistent with the institution's credit~~
8.7 ~~transfer policy, postsecondary credit for any courses successfully completed under this~~
8.8 section. An institution may not charge a pupil for the award of credit.

8.9 The Board of Trustees of the Minnesota State Colleges and Universities and
8.10 the Board of Regents of the University of Minnesota must, and private nonprofit and
8.11 proprietary postsecondary institutions should, award postsecondary credit for any
8.12 successfully completed courses in a program certified by the National Alliance of
8.13 Concurrent Enrollment Partnerships offered according to an agreement under subdivision
8.14 10.

8.15 **EFFECTIVE DATE.** This section is effective July 1, 2013.

8.16 Sec. 6. Minnesota Statutes 2010, section 124D.09, subdivision 13, is amended to read:

8.17 Subd. 13. **Financial arrangements.** For a pupil enrolled in a course under this
8.18 section, the department must make payments according to this subdivision for courses that
8.19 were taken for secondary credit.

8.20 ~~The department must not make payments to a school district or postsecondary~~
8.21 ~~institution for a course taken for postsecondary credit only.~~ The department must not
8.22 make payments to a postsecondary institution for a course from which a student officially
8.23 withdraws during the first 14 days of the quarter or semester or who has been absent from
8.24 the postsecondary institution for the first 15 consecutive school days of the quarter or
8.25 semester and is not receiving instruction in the home or hospital.

8.26 A postsecondary institution shall receive the following:

8.27 (1) for an institution granting quarter credit, the reimbursement per credit hour shall
8.28 be an amount equal to 88 percent of the product of the formula allowance minus \$415,
8.29 multiplied by 1.3, and divided by 45; or

8.30 (2) for an institution granting semester credit, the reimbursement per credit hour
8.31 shall be an amount equal to 88 percent of the product of the general revenue formula
8.32 allowance minus \$415, multiplied by 1.3, and divided by 30.

8.33 The department must pay to each postsecondary institution 100 percent of the
8.34 amount in clause (1) or (2) within 30 days of receiving initial enrollment information
8.35 each quarter or semester. If changes in enrollment occur during a quarter or semester,

9.1 the change shall be reported by the postsecondary institution at the time the enrollment
9.2 information for the succeeding quarter or semester is submitted. At any time the
9.3 department notifies a postsecondary institution that an overpayment has been made, the
9.4 institution shall promptly remit the amount due.

9.5 **EFFECTIVE DATE.** This section is effective July 1, 2013.

9.6 Sec. 7. Minnesota Statutes 2010, section 124D.09, subdivision 24, is amended to read:

9.7 Subd. 24. **Limit; state obligation.** The provisions of subdivisions 13, 19, and
9.8 ~~22, and 23~~ shall not apply for any postsecondary courses in which a pupil is enrolled in
9.9 addition to being enrolled full time in that pupil's district ~~or for any postsecondary course~~
9.10 ~~in which a pupil is enrolled for postsecondary credit.~~ The pupil is enrolled full time if
9.11 the pupil attends credit-bearing classes in the high school or high school program for
9.12 all of the available hours of instruction.

9.13 **EFFECTIVE DATE.** This section is effective July 1, 2013.

9.14 Sec. 8. Minnesota Statutes 2010, section 124D.09, subdivision 25, is amended to read:

9.15 Subd. 25. **Pupils 40 miles or more from an eligible institution.** A pupil who
9.16 is enrolled in a secondary school that is located 40 miles or more from the nearest
9.17 eligible institution may request that the resident district offer at least one accelerated or
9.18 advanced academic course within the resident district in which the pupil may enroll for
9.19 postsecondary credit. A pupil may enroll in a course offered under this subdivision for
9.20 ~~either~~ secondary ~~or~~ and postsecondary credit according to subdivision 12.

9.21 A district must offer an accelerated or advanced academic course for postsecondary
9.22 credit if one or more pupils requests such a course under this subdivision. The district
9.23 may decide which course to offer, how to offer the course, and whether to offer one or
9.24 more courses. The district must offer at least one such course in the next academic period
9.25 and must continue to offer at least one accelerated or advanced academic course for
9.26 postsecondary credit in later academic periods.

9.27 **EFFECTIVE DATE.** This section is effective July 1, 2013.

9.28 Sec. 9. Minnesota Statutes 2011 Supplement, section 124D.10, subdivision 3, is
9.29 amended to read:

9.30 Subd. 3. **Authorizer.** (a) For purposes of this section, the terms defined in this
9.31 subdivision have the meanings given them.

10.1 "Application" to receive approval as an authorizer means the proposal an eligible
10.2 authorizer submits to the commissioner under paragraph (c) before that authorizer is able
10.3 to submit any affidavit to charter to a school.

10.4 "Application" under subdivision 4 means the charter school business plan a
10.5 school developer submits to an authorizer for approval to establish a charter school that
10.6 documents the school developer's mission statement, school purposes, program design,
10.7 financial plan, governance and management structure, and background and experience,
10.8 plus any other information the authorizer requests. The application also shall include a
10.9 "statement of assurances" of legal compliance prescribed by the commissioner.

10.10 "Affidavit" means a written statement the authorizer submits to the commissioner
10.11 for approval to establish a charter school under subdivision 4 attesting to its review and
10.12 approval process before chartering a school.

10.13 (b) The following organizations may authorize one or more charter schools:

10.14 (1) a school board; intermediate school district school board; education district
10.15 organized under sections 123A.15 to 123A.19;

10.16 (2) a charitable organization under section 501(c)(3) of the Internal Revenue Code
10.17 of 1986, excluding a nonpublic sectarian or religious institution, any person other than a
10.18 natural person that directly or indirectly, through one or more intermediaries, controls,
10.19 is controlled by, or is under common control with the nonpublic sectarian or religious
10.20 institution, and any other charitable organization under this clause that in the federal IRS
10.21 Form 1023, Part IV, describes activities indicating a religious purpose, that:

10.22 (i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on
10.23 Foundations;

10.24 (ii) is registered with the attorney general's office; and

10.25 (iii) is incorporated in the state of Minnesota and has been operating continuously
10.26 for at least five years but does not operate a charter school;

10.27 (3) a Minnesota private college, notwithstanding clause (2), that grants two- or
10.28 four-year degrees and is registered with the Minnesota Office of Higher Education under
10.29 chapter 136A; community college, state university, or technical college governed by the
10.30 Board of Trustees of the Minnesota State Colleges and Universities; or the University
10.31 of Minnesota;

10.32 (4) a nonprofit corporation subject to chapter 317A, described in section 317A.905,
10.33 and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code
10.34 of 1986, may authorize one or more charter schools if the charter school has operated
10.35 for at least three years under a different authorizer and if the nonprofit corporation has
10.36 existed for at least 25 years; or

11.1 (5) single-purpose authorizers that are charitable, nonsectarian organizations formed
11.2 under section 501(c)(3) of the Internal Revenue Code of 1986 and incorporated in the state
11.3 of Minnesota whose sole purpose is to charter schools. Eligible organizations interested
11.4 in being approved as an authorizer under this paragraph must submit a proposal to the
11.5 commissioner that includes the provisions of paragraph (c) and a five-year financial plan.
11.6 Such authorizers shall consider and approve applications using the criteria provided in
11.7 subdivision 4 ~~and shall not limit the applications it solicits, considers, or approves to~~
11.8 ~~any single curriculum, learning program, or method.~~ The commissioner may approve
11.9 single-purpose authorizers which limit their focus to authorizing schools (i) designed to
11.10 close the achievement gap by including prekindergarten and primary grades; or (ii) which
11.11 create a grades 9 through 14 partnership with one or more postsecondary institutions where
11.12 students complete one or more years of postsecondary credit as a part of the school model.

11.13 (c) An eligible authorizer under this subdivision must apply to the commissioner for
11.14 approval as an authorizer before submitting any affidavit to the commissioner to charter
11.15 a school. The application for approval as a charter school authorizer must demonstrate
11.16 the applicant's ability to implement the procedures and satisfy the criteria for chartering a
11.17 school under this section. The commissioner must approve or disapprove an application
11.18 within 45 business days of the application deadline. If the commissioner disapproves
11.19 the application, the commissioner must notify the applicant of the specific deficiencies
11.20 in writing and the applicant then has 20 business days to address the deficiencies to the
11.21 commissioner's satisfaction. After the 20 business days expire, the commissioner has 15
11.22 business days to make a final decision to approve or disapprove the application. Failing to
11.23 address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to
11.24 be an authorizer. The commissioner, in establishing criteria for approval, must consider
11.25 the applicant's:

- 11.26 (1) capacity and infrastructure;
- 11.27 (2) application criteria and process;
- 11.28 (3) contracting process;
- 11.29 (4) ongoing oversight and evaluation processes; and
- 11.30 (5) renewal criteria and processes.

11.31 (d) An applicant must include in its application to the commissioner to be an
11.32 approved authorizer at least the following:

- 11.33 (1) how chartering schools is a way for the organization to carry out its mission;
- 11.34 (2) a description of the capacity of the organization to serve as an authorizer,
11.35 including the personnel who will perform the authorizing duties, their qualifications, the

12.1 amount of time they will be assigned to this responsibility, and the financial resources
12.2 allocated by the organization to this responsibility;

12.3 (3) a description of the application and review process the authorizer will use to
12.4 make decisions regarding the granting of charters;

12.5 (4) a description of the type of contract it will arrange with the schools it charters
12.6 that meets the provisions of subdivision 6;

12.7 (5) the process to be used for providing ongoing oversight of the school consistent
12.8 with the contract expectations specified in clause (4) that assures that the schools chartered
12.9 are complying with both the provisions of applicable law and rules, and with the contract;

12.10 (6) a description of the criteria and process the authorizer will use to grant expanded
12.11 applications under subdivision 4, paragraph (j);

12.12 (7) the process for making decisions regarding the renewal or termination of
12.13 the school's charter based on evidence that demonstrates the academic, organizational,
12.14 and financial competency of the school, including its success in increasing student
12.15 achievement and meeting the goals of the charter school agreement; and

12.16 (8) an assurance specifying that the organization is committed to serving as an
12.17 authorizer for the full five-year term.

12.18 (e) A disapproved applicant under this section may resubmit an application during a
12.19 future application period.

12.20 (f) If the governing board of an approved authorizer that has chartered multiple
12.21 schools votes to withdraw as an approved authorizer for a reason unrelated to any
12.22 cause under subdivision 23, the authorizer must notify all its chartered schools and the
12.23 commissioner in writing by July 15 of its intent to withdraw as an authorizer on June 30 in
12.24 the next calendar year. The commissioner may approve the transfer of a charter school
12.25 to a new authorizer under this paragraph after the new authorizer submits an affidavit to
12.26 the commissioner.

12.27 (g) The authorizer must participate in department-approved training.

12.28 (h) An authorizer that chartered a school before August 1, 2009, must apply by
12.29 June 30, 2012, to the commissioner for approval, under paragraph (c), to continue as an
12.30 authorizer under this section. For purposes of this paragraph, an authorizer that fails to
12.31 submit a timely application is ineligible to charter a school.

12.32 (i) The commissioner shall review an authorizer's performance every five years in
12.33 a manner and form determined by the commissioner and may review an authorizer's
12.34 performance more frequently at the commissioner's own initiative or at the request of a
12.35 charter school operator, charter school board member, or other interested party. The
12.36 commissioner, after completing the review, shall transmit a report with findings to the

13.1 authorizer. If, consistent with this section, the commissioner finds that an authorizer has
13.2 not fulfilled the requirements of this section, the commissioner may subject the authorizer
13.3 to corrective action, which may include terminating the contract with the charter school
13.4 board of directors of a school it chartered. The commissioner must notify the authorizer
13.5 in writing of any findings that may subject the authorizer to corrective action and
13.6 the authorizer then has 15 business days to request an informal hearing before the
13.7 commissioner takes corrective action. If the commissioner terminates a contract between
13.8 an authorizer and a charter school under this paragraph, the commissioner may assist the
13.9 charter school in acquiring a new authorizer.

13.10 (j) The commissioner may at any time take corrective action against an authorizer,
13.11 including terminating an authorizer's ability to charter a school for:

13.12 (1) failing to demonstrate the criteria under paragraph (c) under which the
13.13 commissioner approved the authorizer;

13.14 (2) violating a term of the chartering contract between the authorizer and the charter
13.15 school board of directors;

13.16 (3) unsatisfactory performance as an approved authorizer; or

13.17 (4) any good cause shown that provides the commissioner a legally sufficient reason
13.18 to take corrective action against an authorizer.

13.19 **EFFECTIVE DATE.** This section is effective July 1, 2013.

13.20 Sec. 10. Minnesota Statutes 2010, section 135A.101, subdivision 1, is amended to read:

13.21 Subdivision 1. **Requirements for participation.** To participate in the postsecondary
13.22 enrollment options program, a college or university must abide by the provisions in this
13.23 section. The institution may provide information about its programs to a secondary school
13.24 or to a pupil or parent, ~~but may not recruit or solicit participation on financial grounds.~~

13.25 **EFFECTIVE DATE.** This section is effective July 1, 2013.

13.26 Sec. 11. **REPEALER.**

13.27 Minnesota Statutes 2010, section 124D.09, subdivision 23, is repealed effective
13.28 July 1, 2013.

APPENDIX
Article locations in S2201-2

ARTICLE 1	INDIVIDUALIZED LEARNING SCHOOLS	Page.Ln 1.11
ARTICLE 2	COMPLEMENTARY REFORMS	Page.Ln 4.15