

CHAPTER 119—H.F.No. 923

An act relating to local government; providing an exception to the conflict of interest law for township officers; authorizing the town of White to be reimbursed by the city of Biwabik according to their orderly annexation agreement; amending Minnesota Statutes 2002, section 471.88, by adding a subdivision.

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

Section 1. Minnesota Statutes 2002, section 471.88, is amended by adding a subdivision to read:

Subd. 20. TOWNSHIP SUPERVISOR IS EMPLOYEE OF CONTRACTOR.
A township may enter into a contract governed by section 471.345, even if a township supervisor is an employee of the contractor as long as the supervisor had no role in preparing the contractor's bid or negotiation for the contract with the township. The supervisor is not precluded from continuing to serve as a township official during the term of the contract if the township supervisor abstains from voting on any official action relating to the contract and discloses the supervisor's reason for the abstention in the official minutes of the township meeting.

Sec. 2. BIWABIK, TOWN OF WHITE; REIMBURSEMENT SCHEDULE.

Notwithstanding the limitations on duration or equality of payment under Minnesota Statutes, section 414.036, the city of Biwabik may reimburse the town of White for orderly annexed property for a period of time and in amounts agreed to by the city and town under an orderly annexation agreement, approved by the city and town after September 1, 2002, pursuant to Minnesota Statutes, section 414.0325.

Sec. 3. LOCAL APPROVAL; EFFECTIVE DATE.

Section 2 is effective under Minnesota Statutes, section 645.02, the day after the governing bodies of both the town of White and the city of Biwabik and their respective chief clerical officers timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Presented to the governor May 23, 2003

Signed by the governor May 25, 2003, 11:27 p.m.

CHAPTER 120—S.F.No. 287

An act relating to education; requiring recitation of the pledge of allegiance in all public schools; providing for instruction in the proper etiquette, display, and respect of the United States

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flag; amending Minnesota Statutes 2002, sections 121A.11, by adding subdivisions; 124D.10, subdivision 8.

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

Section 1. Minnesota Statutes 2002, section 121A.11, is amended by adding a subdivision to read:

Subd. 3. PLEDGE OF ALLEGIANCE. (a) All public and charter school students shall recite the pledge of allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

- (1) by each individual classroom teacher or the teacher's surrogate; or
- (2) over a school intercom system by a person designated by the school principal or other person having administrative control over the school.

A local school board or a charter school board of directors may annually, by majority vote, waive this requirement.

(b) Any student or teacher may decline to participate in recitation of the pledge.

(c) A school district or charter school that has a student handbook or school policy guide must include a statement that anyone who does not wish to participate in reciting the pledge of allegiance for any personal reasons may elect not to do so and that students must respect another person's right to make that choice.

(d) A local school board or a charter school board of directors that waives the requirement to recite the pledge of allegiance under paragraph (a) may adopt a district or school policy regarding the reciting of the pledge of allegiance.

EFFECTIVE DATE. Paragraphs (a), (b), and (d) are effective for the 2003-2004 school year and later. Paragraph (c) is effective for the 2004-2005 school year and later.

Sec. 2. Minnesota Statutes 2002, section 121A.11, is amended by adding a subdivision to read:

Subd. 4. INSTRUCTION. Unless the requirement in subdivision 3 is waived by a majority vote of the school board, a school district must instruct students in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises.

EFFECTIVE DATE. This section is effective for instruction beginning in the 2003-2004 school year and later.

Sec. 3. Minnesota Statutes 2002, section 124D.10, subdivision 8, is amended to read:

Subd. 8. **STATE AND LOCAL REQUIREMENTS.** (a) A charter school shall meet all applicable state and local health and safety requirements.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

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(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363 and section 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5; 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13, and 15; 471.881; and 471.89. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner. The department of children, families, and learning, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school must comply with sections 13.32; 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

(l) A charter school is subject to the pledge of allegiance requirement under section 121A.11, subdivision 3.

EFFECTIVE DATE. This section is effective for the 2003-2004 school year and later.

Presented to the governor May 23, 2003

Signed by the governor May 27, 2003, 9:03 a.m.

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