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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

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; repealing
1.5 Minnesota Statutes 2010, sections 128D.05; 128D.08, subdivisions 1, 3, 4;
1.6 128D.14.

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

1.8 Section 1. [123A.695] CHANGE FROM INDEPENDENT TO MAYORAL
1.9 DISTRICT.

1.10 (a) Notwithstanding other law to the contrary, the governance of an independent
1.11 school district with administrative offices in a city with more than 250,000 residents
1.12 located in the seven-county metropolitan area shall be as provided in paragraphs (b) and
1.13 (c). The care, management, supervision, conduct, and control of the school district and all
1.14 the powers and rights of school boards of independent school districts except as otherwise
1.15 stated are as described in paragraphs (b) and (c).

1.16 (b) Notwithstanding other law to the contrary, a mayor shall appoint a seven-member
1.17 board of education and a chief executive officer with recognized administrative ability and
1.18 management experience who manages the district and has all other powers and duties of
1.19 the district superintendent. The chief executive officer is not required to hold a school
1.20 superintendent license or other administrative license under this section. The powers and
1.21 duties of the board of education include:

- 1.22 (1) increasing the quality of education services in the school district;
- 1.23 (2) implementing policies, programs, and strategies to increase challenging learning
1.24 opportunities targeted to diverse groups of students, increase student engagement and
1.25 connection and community and family partnerships, and improve the educational

2.1 outcomes of all groups of students enrolled in district schools so that students at least meet
 2.2 or exceed statewide averages for proficiency in reading and math and demonstrate medium
 2.3 or high growth or, if students are not proficient in reading and math, they consistently
 2.4 demonstrate high growth;

2.5 (3) reducing the cost of noneducational services and implementing cost-saving
 2.6 measures;

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

2.8 (5) streamlining and strengthening management of the system, including a
 2.9 school-based budgeting process to refocus resources on student achievement;

2.10 (6) enacting policies and procedures to ensure an ethical and efficient system;

2.11 (7) establishing or repurposing local school or school site council advisory boards;

2.12 and

2.13 (8) establishing organizational structures needed to efficiently and effectively
 2.14 operate the system.

2.15 The members of the board of education shall serve staggered four-year terms.

2.16 Board members serve without compensation or reimbursement of expenses incurred in
 2.17 performing board duties unless the mayor establishes a procedure to reimburse members
 2.18 for reasonable and necessary expenses.

2.19 (c) Notwithstanding other law to the contrary, school districts under this section
 2.20 are exempt from the statutes and rules specified in section 124D.10, subdivision 7, to
 2.21 the extent the exemptions are consistent with and required to implement the provisions
 2.22 of this section.

2.23 (d) A mayor shall appoint an education advisory council composed of representatives
 2.24 of the business community with experience in finance and management, parents of
 2.25 enrolled students, teachers and principals currently employed in the schools, and other
 2.26 interested persons representing various education-related service organizations and public
 2.27 and private nonprofit agencies, among other interests. Advisory council members shall
 2.28 convene periodically and provide advice to the mayor and city governing body upon
 2.29 request. Members serve without compensation and without reimbursement of expenses
 2.30 incurred in performing duties under this paragraph.

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

2.32 **128D.02 BOARD OF EDUCATION GOVERNING ENTITY LIKE**
 2.33 **INDEPENDENT DISTRICT'S.**

2.34 (a) Consistent with section 123A.695, the governing body governance of such the
 2.35 school district shall be a board of education, which board shall have the mayor. The care,

3.1 management, supervision, conduct, and control of the school district and ~~shall have~~ all the
3.2 powers and rights of school boards of independent school districts except as otherwise
3.3 stated are as described in paragraphs (b) and (c).

3.4 (b) Notwithstanding other law to the contrary, a mayor shall appoint a seven-member
3.5 board of education and a chief executive officer with recognized administrative ability and
3.6 management experience who manages the district and has all other powers and duties of
3.7 the district superintendent. The chief executive officer is not required to hold a school
3.8 superintendent license or other administrative license under this section. The powers and
3.9 duties of the board of education include:

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3.11 (2) implementing policies, programs, and strategies to increase challenging learning
3.12 opportunities targeted to diverse groups of students, increase student engagement and
3.13 connection and community and family partnerships, and improve the educational
3.14 outcomes of all groups of students enrolled in district schools so that students at least meet
3.15 or exceed statewide averages for proficiency in reading and math and demonstrate medium
3.16 or high growth or, if students are not proficient in reading and math, they consistently
3.17 demonstrate high growth;

3.18 (3) reducing the cost of noneducational services and implementing cost-saving
3.19 measures;

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

3.21 (5) streamlining and strengthening management of the system, including a
3.22 school-based budgeting process to refocus resources on student achievement;

3.23 (6) enacting policies and procedures to ensure an ethical and efficient system;

3.24 (7) establishing or repurposing local school or school site council advisory boards;

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3.27 operate the system.

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3.30 performing board duties unless the mayor establishes a procedure to reimburse members
3.31 for reasonable and necessary expenses.

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3.33 are exempt from the statutes and rules specified in section 124D.10, subdivision 7, to
3.34 the extent the exemptions are consistent with and required to implement the provisions
3.35 of this section.

4.1 (d) A mayor shall appoint an education advisory council composed of representatives
 4.2 of the business community with experience in finance and management, parents of
 4.3 enrolled students, teachers and principals currently employed in the schools, and other
 4.4 interested persons representing various education-related service organizations and public
 4.5 and private nonprofit agencies, among other interests. Advisory council members shall
 4.6 convene periodically and provide advice to the mayor and city governing body upon
 4.7 request. Members serve without compensation and without reimbursement of expenses
 4.8 incurred in performing duties under this paragraph.

4.9 Sec. 3. **CONFORMING AMENDMENTS.**

4.10 (a) This act supersedes any home rule charter or ordinance provision inconsistent or
 4.11 in conflict with this act.

4.12 (b) A city subject to this act shall amend its charter and ordinances as necessary to
 4.13 conform with the requirements of this act. Notwithstanding Minnesota Statutes, chapter
 4.14 410, an amendment to a home rule charter to conform with this act is not subject to voter
 4.15 approval, but shall be made by ordinance adopted by a majority vote of the city council.

4.16 Sec. 4. **POTENTIAL CONFLICTS.**

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

4.20 Sec. 5. **MINNESOTA DEPARTMENT OF EDUCATION IMPLEMENTATION**
 4.21 **REPORT.**

4.22 The commissioner of the Department of Education must submit written
 4.23 recommendations to the legislative committees with jurisdiction over kindergarten through
 4.24 grade 12 education finance and policy by February 15, 2013, for fully implementing
 4.25 sections 1 and 2.

4.26 Sec. 6. **REPEALER.**

4.27 Minnesota Statutes 2010, sections 128D.05; 128D.08, subdivisions 1, 3, and 4;
 4.28 and 128D.14, are repealed.

4.29 Sec. 7. **EFFECTIVE DATE.**

4.30 (a) Section 1 is effective the day after the terms of the most recently elected,
 4.31 currently serving school board members subject to section 1 expire and section 1 remains

5.1 in effect through the 2024-2025 school year. Notwithstanding other law to the contrary,
5.2 the term of any school board member expiring before the effective date of this paragraph
5.3 is extended until the effective date of this paragraph; if that board member is unable
5.4 to complete the extended term, the remaining board members shall appoint a qualified
5.5 person to complete the term.

5.6 (b) Sections 2 and 6 are effective without local approval under Minnesota Statutes,
5.7 section 645.023, subdivision 1, the day after the terms of currently serving Minneapolis
5.8 school directors elected in 2010 expire and these sections remain in effect through the
5.9 2024-2025 school year. Notwithstanding other law to the contrary, the term of any
5.10 Minneapolis school director expiring before the effective date of this paragraph is extended
5.11 until the effective date of this paragraph; if that director is unable to complete the extended
5.12 term, the remaining directors shall appoint a qualified person to complete the term.

5.13 (c) Sections 3, 4, and 5 are effective the day following final enactment.

5.14 (d) A school board subject to this act is subject to Minnesota Statutes, section
5.15 123B.09, subdivision 1, beginning in the 2025-2026 school year.