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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5125

03/21/2024 Authored by Sencer-Mura, Pérez-Vega, Hussein and Norris
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying school board membership requirements; expanding
1.3 school board membership to include student members; amending Minnesota
1.4 Statutes 2022, sections 123B.09; 128.01; 128D.05; 128D.055, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2022, section 123B.09, is amended to read:

1.7 123B.09 BOARDS OF INDEPENDENT SCHOOL DISTRICTS.

1.8 Subdivision 1. School board membership. (a) The care, management, and control of
1.9 independent districts is vested in a board of directors, to be known as the school board. The
1.10 term of office of a an elected member shall be four years commencing on the first Monday
1.11 in January and until a successor qualifies. The membership of the board shall consist of six
1.12 elected directors together with such ex officio member as may be provided by law, in addition
1.13 to the student members selected under subdivision 1b. The board may submit to the electors
1.14 at any school election the question whether the board shall consist of seven members. If a
1.15 majority of those voting on the proposition favor a seven-member board, a seventh member
1.16 shall be elected at the next election of directors for a four-year term and thereafter the board
1.17 shall consist of seven members.

1.18 (b) Those districts with a seven-member board may submit to the electors at any school
1.19 election at least 150 days before the next election of three members of the board the question
1.20 whether the board shall consist of six members. If a majority of those voting on the
1.21 proposition favor a six-member board instead of a seven-member board, three members
1.22 instead of four members shall be elected at the next election of the board of directors and
1.23 thereafter the board shall consist of six members.

2.1 (c) An "elected member," as used in this section, means a voting member elected under  
2.2 chapter 205A or appointed to fill a vacancy under subdivision 5b. An elected member does  
2.3 not include a student member selected under subdivision 1b.

2.4 Subd. 1a. **Sex offender school board ineligibility.** A sex offender who has been  
2.5 convicted of an offense for which registration under section 243.166 is required is ineligible  
2.6 to become a candidate for the office of school board member, as defined in subdivision 1,  
2.7 or a student member under subdivision 1b. Ineligibility is determined by the registration  
2.8 requirements in effect at the time the offender files for office, not by the registration  
2.9 requirements, if any, that were in effect at the time the offender was convicted.

2.10 Subd. 1b. **Student members.** (a) Starting in the 2024-2025 school year and later, elected  
2.11 members of the school board must establish a process to select two students enrolled in the  
2.12 district to be named to the school board. A student is eligible to serve as a student member  
2.13 if the student is a resident of the district, and is enrolled in the district at the time of the  
2.14 selection, in grade 9, 10, 11, or 12. The selection process must include an opportunity for  
2.15 enrolled students in grades 9 through 12 to vote for the student member. A student member  
2.16 must remain a resident of the district and enrolled in the district through the student member's  
2.17 term. The term of a student member is two years, beginning on July 1 following the student  
2.18 member's selection. A student member may serve no more than two terms.

2.19 (b) A student member may be removed from the board under subdivision 9. A vacancy  
2.20 of a student member position may be filled by a process established by the elected members  
2.21 of the school board.

2.22 (c) A student member may attend meetings, introduce items for inclusion on a board  
2.23 agenda, participate in discussion, and vote on any matter before the board.

2.24 (d) Students of diverse racial and ethnic backgrounds and all gender identities are  
2.25 encouraged to participate in the process to select a student member.

2.26 Subd. 2. **School board member training.** A member, including a student member, shall  
2.27 receive training in school finance and management developed in consultation with the  
2.28 Minnesota School Boards Association and consistent with section 127A.19. The School  
2.29 Boards Association must make available to each newly elected school board member training  
2.30 in school finance and management consistent with section 127A.19 within 180 days of that  
2.31 member taking office. The program shall be developed in consultation with the department  
2.32 and appropriate representatives of higher education.

2.33 Subd. 3. **Causes for school board member vacancy.** (a) A vacancy in any board occurs  
2.34 when a member (a) dies, (b) resigns, (c) ceases to be a resident of the district, or (d) is unable

3.1 to serve on such board and attend its meetings for not less than 90 days because of illness  
3.2 or prolonged absence from the district.

3.3 (b) In addition to the causes for vacancy provided in paragraph (a), a vacancy for a  
3.4 student member position occurs when the student ceases to be enrolled in the district.

3.5 Subd. 4. **Ill or absent member.** A vacancy caused by a member being unable to serve  
3.6 on such board and attend its meetings for not less than 90 days because of illness or prolonged  
3.7 absence from the district, may, after the board has by resolution declared such vacancy to  
3.8 exist, be filled by the elected members of the board at any regular or special meeting thereof  
3.9 for the remainder of the unexpired term, or until such ill or absent member is again able to  
3.10 resume duties as a member of such board, whichever date is earliest. When the ill or absent  
3.11 member is able to resume duties as a member of the board, the board must by resolution so  
3.12 determine and declare such person to be again a member of the board, and the member  
3.13 appointed by the board to be no longer a member thereof.

3.14 Subd. 5b. **Appointments to fill vacancies; special elections.** (a) Any vacancy on the  
3.15 board, other than a vacancy described in subdivision 1b or 4, must be filled by board  
3.16 appointment by the elected members of the board at a regular or special meeting. The  
3.17 appointment shall be evidenced by a resolution entered in the minutes and shall be effective  
3.18 30 days following adoption of the resolution, subject to paragraph (b). If the appointment  
3.19 becomes effective, it shall continue until an election is held under this subdivision. All  
3.20 elections to fill vacancies shall be for the unexpired term. A special election to fill the  
3.21 vacancy must be held no later than the first Tuesday after the first Monday in November  
3.22 following the vacancy. If the vacancy occurs less than 90 days prior to the first Tuesday  
3.23 after the first Monday in November in the year in which the vacancy occurs, the special  
3.24 election must be held no later than the first Tuesday after the first Monday in November of  
3.25 the following calendar year. If the vacancy occurs less than 90 days prior to the first Tuesday  
3.26 after the first Monday in November in the third year of the term, no special election is  
3.27 required. If the vacancy is filled by a special election, the person elected at that election for  
3.28 the ensuing term shall take office immediately after receiving the certificate of election,  
3.29 filing the bond, and taking the oath of office.

3.30 (b) An appointment made under paragraph (a) shall not be effective if a petition to reject  
3.31 the appointee is filed with the school district clerk. To be valid, a petition to reject an  
3.32 appointee must be signed by a number of eligible voters residing in the district equal to at  
3.33 least five percent of the total number of voters voting in the district at the most recent state  
3.34 general election, and must be filed within 30 days of the board's adoption of the resolution  
3.35 making the appointment. If a valid petition is filed according to the requirements of this

4.1 paragraph, the appointment by the school board is ineffective and the board must name a  
4.2 new appointee as provided in paragraph (a).

4.3 Subd. 6. **Meetings.** A majority of the voting members of the board shall constitute a  
4.4 quorum. No contract shall be made or authorized, except at a regular meeting of the board  
4.5 or at a special meeting at which all members are present or of which all members have had  
4.6 notice. Special meetings may be called by the chair or clerk or any three members upon  
4.7 notice mailed to each member at least three days prior thereto.

4.8 Subd. 7. **Policy making.** The board shall make, and when deemed advisable, change or  
4.9 repeal rules relating to the organization and management of the board and the duties of its  
4.10 officers.

4.11 Subd. 8. **Duties.** The board must superintend and manage the schools of the district;  
4.12 adopt rules for their organization, government, and instruction; keep registers; and prescribe  
4.13 textbooks and courses of study. The board may enter into an agreement with a postsecondary  
4.14 institution for secondary or postsecondary nonsectarian courses to be taught at a secondary  
4.15 school, nonsectarian postsecondary institution, or another location.

4.16 Subd. 9. **Removing board members.** The board may remove, for proper cause, any  
4.17 member or officer of the board and fill the vacancy; but such removal must be by a concurrent  
4.18 vote of at least four elected members, at a meeting of whose time, place, and object the  
4.19 charged member has been duly notified, with the reasons for such proposed removal and  
4.20 after an opportunity to be heard in defense against the removal.

4.21 Subd. 10. **Publishing proceedings.** The board must cause its official proceedings to be  
4.22 published once in the official newspaper of the district. Such publication shall be made  
4.23 within 30 days of the meeting at which such proceedings occurred. If the board determines  
4.24 that publication of a summary of the proceedings would adequately inform the public of  
4.25 the substance of the proceedings, the board may direct that only a summary be published,  
4.26 conforming to the requirements of section 331A.01, subdivision 10.

4.27 Subd. 11. **Mailing summary of proceedings.** If a board of a district that has no  
4.28 newspaper with its known office of issue or a secondary office located within the boundaries  
4.29 of the district and no newspaper that is distributed to more than one-third of the residences  
4.30 in the district determines that mailing a summary of its proceedings would be more  
4.31 economical than publication of the proceedings and that it would adequately inform the  
4.32 public, it may mail a summary of its proceedings to each residence in the district that can  
4.33 be identified as a homestead from the property tax records and to each other residence in  
4.34 the district that the board can identify. The county must make the property tax records

5.1 available to the board for this purpose. The board must keep a copy of the summary of the  
 5.2 proceedings as part of its records. The decision of a board to mail summaries, rather than  
 5.3 publish the proceedings under this subdivision shall be presumed valid, subject to challenge  
 5.4 by a court action.

5.5 Subd. 12. **Board to fix compensation.** The clerk, treasurer, and superintendent of any  
 5.6 district shall receive such compensation as may be fixed by the board. Unless otherwise  
 5.7 provided by law, the other members of the board, including student members, shall also  
 5.8 receive such compensation as may be fixed by the board. All members of the board may  
 5.9 receive reimbursement for transportation at the rate provided for in section 471.665. No  
 5.10 board member or school district employee shall receive any compensation or benefits based  
 5.11 on incentives or other money provided to the school district by or from a source of group  
 5.12 insurance coverage referenced in section 471.6161, subdivision 1, except for a refund  
 5.13 provided under section 123B.75, subdivision 10, or a wellness plan that is mutually agreed  
 5.14 upon by the district and the exclusive representatives of employees.

5.15 Sec. 2. Minnesota Statutes 2022, section 128.01, is amended to read:

5.16 **128.01 BOARD MEMBERS: NUMBER, TERM, STAGGERING.**

5.17 Subdivision 1. **Five members.** The school board of Independent School District No.  
 5.18 166 has five elected members and two student members. An "elected member," as used in  
 5.19 this section, means a voting member elected under chapter 205A. An elected member does  
 5.20 not include a student member selected under section 123B.09, subdivision 1b.

5.21 Subd. 1a. **Student members.** (a) Starting in the 2024-2025 school year and later, elected  
 5.22 members of the school board must establish a process to select two students enrolled in the  
 5.23 district to be named to the school board. A student is eligible to serve as a student member  
 5.24 if the student is a resident of the district, and is enrolled in the district at the time of the  
 5.25 selection, in grade 9, 10, 11, or 12. The selection process must include an opportunity for  
 5.26 enrolled students in grades 9 through 12 to vote for the student member. A student member  
 5.27 must remain a resident of the district and enrolled in the district through the student member's  
 5.28 term. The term of a student member is two years, beginning on July 1 following the student  
 5.29 member's selection. A student member may serve no more than two terms.

5.30 (b) A vacancy of a student member position because of death, resignation, cessation of  
 5.31 residence in the district, cessation of enrollment in the district, or any other cause, may be  
 5.32 filled by a process established by the elected members of the school board.

6.1 (c) A student member may attend meetings, introduce items for inclusion on a board  
6.2 agenda, participate in discussion, and vote on any matter before the board.

6.3 (d) Students of diverse racial and ethnic backgrounds and all gender identities are  
6.4 encouraged to participate in the process to select a student member.

6.5 Subd. 2. **Four-year term from January.** The term of a an elected school board member  
6.6 is four years. A term begins on the first Monday in January after the election.

6.7 Subd. 3. **Staggered elections.** Three elected school board members are elected at one  
6.8 state general election and two are elected at the next state general election.

6.9 Sec. 3. Minnesota Statutes 2022, section 128D.05, is amended to read:

6.10 **128D.05 BOARD: NUMBER, TERM, PAY, VACANCIES.**

6.11 Subdivision 1. **Number, term, pay.** (a) The board of education of such district shall  
6.12 consist of seven elected directors and two student members. The term of office of each  
6.13 elected director shall be four years or until a successor is elected and qualified. The directors  
6.14 shall receive such compensation as may be fixed by the board of education.

6.15 (b) The governing body of Special School District No. 1 may provide for election of  
6.16 four of its directors in 1994 and subsequent years for four-year terms, and election of three  
6.17 of its directors in 1996 and subsequent years for four-year terms. To accomplish this change,  
6.18 the governing body may provide that the terms of office for directors elected in 1991 will  
6.19 expire January 1, 1995, and that the terms of office for directors to be elected in 1993 will  
6.20 expire January 1, 1997.

6.21 (c) An "elected member," as used in this section, means a voting member elected under  
6.22 chapter 205A or appointed to fill a vacancy under subdivision 3. An elected member does  
6.23 not include a student member selected under subdivision 1a.

6.24 Subd. 1a. **Student member.** (a) Starting in the 2024-2025 school year and later, elected  
6.25 members of the school board must establish a process to select two students enrolled in the  
6.26 district to be named to the school board. A student is eligible to serve as a student member  
6.27 if the student is a resident of the district, and is enrolled in the district at the time of the  
6.28 selection, in grade 9, 10, 11, or 12. The selection process must include an opportunity for  
6.29 enrolled students in grades 9 through 12 to vote for the student member. A student member  
6.30 must remain a resident of the district and enrolled in the district through the student member's  
6.31 term. The term of a student member is two years, beginning on July 1 following the student  
6.32 member's selection. A student member may serve no more than two terms.

7.1 (b) A vacancy of a student member position because of death, resignation, cessation of  
 7.2 residence in the district, cessation of enrollment in the district, or any other cause, may be  
 7.3 filled by a process established by the elected members of the school board.

7.4 (c) A student member may attend meetings, introduce items for inclusion on a board  
 7.5 agenda, participate in discussion, and vote on any matter before the board.

7.6 (d) Students of diverse racial and ethnic backgrounds and all gender identities are  
 7.7 encouraged to participate in the process to select a student member.

7.8 Subd. 2. **Time of change.** A proposed change in election years adopted under subdivision  
 7.9 1 is effective 240 days after passage and publication or at a later date fixed in the proposal.  
 7.10 Within 180 days after passage and publication of the proposal, a petition requesting a  
 7.11 referendum on the proposal may be filed with the school district clerk. The petition must  
 7.12 be signed by eligible voters equal in number to five percent of the total number of votes  
 7.13 cast in the city of Minneapolis at the most recent state general election. If the requisite  
 7.14 petition is filed within the prescribed period, the proposal does not become effective until  
 7.15 it is approved by a majority of the voters voting on the question at a general or special  
 7.16 election held on a date authorized by section 205A.05, subdivision 1a. If the petition is filed,  
 7.17 the governing body may reconsider its action in adopting the proposal.

7.18 Subd. 3. **Vacancies.** In case any vacancy occurs in the office of elected school director  
 7.19 because of death, resignation, or cessation of residence in the district, or any other cause,  
 7.20 so that after the next general school election following such vacancy there shall be remaining  
 7.21 at least two years of the unexpired term, a school director shall be elected at the next general  
 7.22 school election to fill the place of such director, but until such election, or if no election is  
 7.23 to be had under the foregoing provisions or because of the lack of time to comply with the  
 7.24 election requirements when an election is pending, the remaining elected directors shall fill  
 7.25 such vacancy. The director so appointed shall hold office until the first business day in  
 7.26 January following the election of a successor, or until that successor qualifies.

7.27 Sec. 4. Minnesota Statutes 2022, section 128D.055, subdivision 1, is amended to read:

7.28 Subdivision 1. **Size and type of membership.** Notwithstanding contrary provisions in  
 7.29 section 205A.12 or other law, the board of Special School District No. 1 shall consist of six  
 7.30 elected members elected by district and three elected members elected at-large, in addition  
 7.31 to the two student members selected by a process established by the elected members of  
 7.32 the school board in accordance with section 128D.05, subdivision 1a.