## SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2038

(SENATE AUTHORS: VANDEVEER and Hann)

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DATED-PGOFFICIAL STATUS02/23/20123933Introduction and first reading Referred to Education03/15/20124493aComm report: To pass as amended and re-refer to Finance

1.1	A bill for an act
1.2	relating to education finance; clarifying shared time aid for nonpublic school
1.3	students; eliminating the veto over shared time participation by resident districts;
1.4	amending Minnesota Statutes 2010, section 126C.19, subdivision 2; Minnesota
1.5	Statutes 2011 Supplement, section 124D.10, subdivision 8.

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

- Section 1. Minnesota Statutes 2011 Supplement, section 124D.10, subdivision 8, is amended to read:
- Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.
- (b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.
- (c) A school authorized 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.
- (d) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. An authorizer may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution. A charter school student must be released for religious instruction, consistent with section 120A.22, subdivision 12, clause (3).
- (e) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled. This paragraph does not apply to shared time aid, under section 126C.19.
- (f) 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

Section 1.

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2.1	of age. Instruction may be provided to people younger than five years and older than
2.2	18 years of age.

(g) A charter school may not charge tuition.

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- (h) A charter school is subject to and must comply with chapter 363A and section121A.04.
  - (i) 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.
  - (j) 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; 471.38; 471.391; 471.392; and 471.425. 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 and authorizer. The Department of Education, state auditor, legislative auditor, or authorizer 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.
    - (k) A charter school is a district for the purposes of tort liability under chapter 466.
    - (l) A charter school must comply with chapters 13 and 13D; and sections 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.
    - (m) A charter school is subject to the Pledge of Allegiance requirement under section 121A.11, subdivision 3.
    - (n) A charter school offering online courses or programs must comply with section 124D.095.
      - (o) A charter school and charter school board of directors are subject to chapter 181.
    - (p) A charter school must comply with section 120A.22, subdivision 7, governing the transfer of students' educational records and sections 138.163 and 138.17 governing the management of local records.
    - (q) A charter school that provides early childhood health and developmental screening must comply with sections 121A.16 to 121A.19.
- 2.33 (r) A charter school that provides school-sponsored youth athletic activities must comply with section 121A.38.
  - Sec. 2. Minnesota Statutes 2010, section 126C.19, subdivision 2, is amended to read:

Sec. 2. 2

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Subd. 2. Exception. Notwithstanding subdivision 1, the resident district of a shared
time pupil attending shared time classes in another district may or a charter school must
grant the district or charter school of attendance, upon its request, permission to claim
the pupil as a resident for state aid purposes. In this case, state aid must be paid to the
district or charter school of attendance and, upon agreement. If the resident district agrees,
the district of attendance may bill the resident district for any unreimbursed education
costs, but not for unreimbursed transportation costs. The agreement may, however,
provide resident district and the district or charter school of attendance may negotiate an
agreement for the resident district to pay the cost of any of the particular transportation
categories specified in section 123B.92, subdivision 1, and in this case, aid for those
categories must be paid to the district of residence rather than to the district of attendance.

**EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014 and later.

Sec. 2. 3