

## CHAPTER 128C

### HIGH SCHOOL LEAGUE

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#### 128C.01 FORM, MAKEUP, DELEGATED POWER, BOARD MEMBERS.

Subdivision 1. **Voluntary association.** The Minnesota state high school league is a nonprofit corporation that is a voluntary association of high schools. A high school that is a school under section 120A.22, subdivision 4, may be a member of the league. The league is made up of high schools whose governing boards have delegated their control of extracurricular activities, as described in section 123B.49, subdivision 4, to the league. The delegation is made when the governing board files a certificate of delegation with the commissioner of children, families, and learning.

Subd. 2. **Power to delegate to, pay for, league.** The governing board of a high school may delegate its control of extracurricular activities to the league. A school board may spend money for, and pay dues to, the league.

Subd. 3. **League power to control.** The state high school league may control contests by and between pupils of the Minnesota high schools that are delegated to it under this section.

Subd. 4. **Board.** (a) The league must have a 20-member governing board

(1) The governor must appoint four members according to section 15.0597. Each of the four appointees must be a parent. At least one of them must be an American Indian, an Asian, a Black, or a Hispanic.

(2) The Minnesota association of secondary school principals must appoint two of its members.

(3) The remaining 14 members must be selected according to league bylaws.

(b) The terms, compensation, removal of members, and the filling of membership vacancies are governed by section 15.0575.

Subd. 5. **Certain commercial relationships prohibited.** The board may not enter into corporate partnerships or similar agreements with any business or commercial organization that sells products or services used by student or adult participants in league activities while they participate in activities regulated by the league. The board may sell advertising to any such business or organization if the advertising is clearly identified as advertising paid for by the business or commercial organization.

**History:** 1973 c 492 s 14; 1973 c 738 s 1; 1980 c 355 s 2; 1982 c 424 s 34,130; 1985 c 248 s 70; 1986 c 444; 1987 c 243 s 1,2; 1988 c 718 art 7 s 45-49; 1989 c 220 s 4;; 1991 c 265 art 9 s 59; 1992 c 499 art 8 s 18; 1Sp1995 c 3 art 16 s 13; 1998 c 397 art 11 s 3

#### 128C.02 DUTIES, POLICIES, CRITERIA, RULES OF BOARD.

Subdivision 1. **Decisions, policies, advisory committees.** The board shall establish and adopt policies, make decisions on behalf of the league, and establish advisory committees necessary to carry out board functions.

Subd. 2. **Sexual harassment and violence; hazing.** The board of the league shall adopt a policy, rules, penalties, and recommendations addressing sexual harassment and sexual violence and hazing toward and by participants in league activities.

Subd. 3. **Criteria for conference arrangements.** The board must develop criteria for the league to use when it is asked to arrange for membership in an interscholastic conference

by a league member under section 128C.07. The league must give notice and an opportunity for league members to be heard before adopting the criteria. The criteria must include, at least, the distance to be traveled by competing schools, the relative enrollments of the schools, and the comparability of extracurricular activities in the schools.

Subd. 4. **Rules are apa exempt.** The rules of the league are exempt from chapter 14, including section 14.386.

Subd. 5. **Rules for open enrollees.** The league shall adopt league rules and regulations governing the athletic participation of pupils attending school in a nonresident district under section 124D.03.

Subd. 6. **Annual report.** The board annually shall prepare a written report containing the information about the league that the commissioner is required to obtain and review under section 128C.20. The board shall present copies of the report in a timely manner to the education committees of the legislature.

Subd. 7. **Women referees.** The league shall adopt league rules and policy requiring, to the extent possible, the equal employment of women as referees for high school activities and sports contests, from game level to tournament level.

Subd. 8. **Budget.** The league is subject to the commissioner of finance's rules and instructions governing budget preparation. The league budget must be submitted to the commissioner of finance and to the legislature in the same manner as budgets of executive branch agencies.

**History:** 1989 c 220 s 4; 1989 c 329 art 8 s 9; art 9 s 16; 1990 c 425 s 2; 1992 c 499 art 8 s 19; 1993 c 224 art 9 s 40; 1995 c 233 art.2 s 56; 1997 c 187 art 4 s 5; 1Sp1997 c 4 art 7 s 36,37; 1998 c 397 art 11 s 3

### 128C.03 PROCEDURES.

The league shall adopt procedures to ensure public notice of all eligibility rules and policies that will afford the opportunity for public hearings on proposed eligibility rules. If requested by 100 or more parents or guardians of students, the public hearing must be conducted by an administrative law judge from the office of administrative hearings, by a person hired under contract by the office of administrative hearings, or by an independent hearing officer appointed by the commissioner of children, families, and learning from a list maintained for that purpose. At the conclusion of a hearing requested by 100 or more parents or guardians of students, the person conducting the hearing shall write a report evaluating the extent to which the league has shown that the proposed rule is needed and reasonable and the legality of the proposed rule. The league shall pay for hearings under this section.

**History:** 1997 c 187 art 4 s 6

### 128C.05 TOURNAMENTS, CLASSES OF ATHLETIC COMPETITION.

Subdivision 1. **Tournaments.** The Minnesota state high school league shall establish, conduct, and regulate championship high school tournament activities.

Subd. 2. **Classes.** The league shall determine the number of classes in all interscholastic athletic activities under its jurisdiction.

**History:** 1989 c 329 art 9 s 16; 1990 c 425 s 2

### 128C.07 ARRANGING INTERSCHOLASTIC CONFERENCE MEMBERSHIP.

Subdivision 1. **Policy.** The league may establish a policy to guide member high schools in forming or altering interscholastic conferences.

Subd. 1a. **Request.** A league member high school that is not in a conference may ask the league to arrange membership for the league member in an interscholastic conference.

Subd. 2. **Reason not in conference.** The reason the member is not in a conference must be: (1) the conference was dissolved, or (2) the member was involuntarily excluded.

Subd. 3. **Prerequisite: 180-day good faith effort.** Before asking the league to arrange membership, the school must make a good faith attempt over at least 180 days to join a conference. The 180 days run from the date of the school's first written request to join or rejoin a conference.

Subd. 4. **League deadline: 90 days.** The league must arrange the conference membership within 90 days after receiving a timely written request from a league member high school.

Subd. 5. **Must use criteria.** The league must follow its criteria in arranging the conference membership.

Subd. 6. **Right to hearing, notice.** (a) The requesting school or a high school already in the conference that is the subject of the proposed arrangement may request a timely public hearing on the proposed arrangement.

(b) The league must notify the schools mentioned in paragraph (a) of the right to a hearing.

Subd. 7. **Decision is binding.** The league's final decision on a matter of conference membership under this section is binding on all of the schools required to be notified of the right to a hearing.

Subd. 8. **Otherwise, conferences are voluntary.** Except to the extent the league arranges conference membership under this section, an interscholastic conference of schools participating in activities delegated to the league may be formed and changed freely.

**History:** 1989, c 220 s 4

### 128C.08 ASSAULTING A SPORTS OFFICIAL PROHIBITED.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meaning given in this subdivision.

"Assault" is (1) an act done with intent to cause fear in another of immediate bodily harm or death, or (2) the infliction of or attempt to inflict bodily harm upon another.

"Sports official" is a person who serves as an umpire, referee, judge, linesperson, timer, scorekeeper, or in another similar capacity for an interscholastic athletic activity.

"Interscholastic athletic activity" or "activity" means an interscholastic athletic activity whose control, supervision, and regulation have been delegated to the Minnesota state high school league pursuant to section 128C.01.

Subd. 2. **Prohibited conduct.** Any person who assaults a sports official in connection with an interscholastic athletic activity may be excluded from attending an activity for up to 12 months.

Subd. 3. **Sanction.** The board of directors of the Minnesota state high school league or a school board may exclude any person except as provided in subdivision 5.

The board of directors of the Minnesota state high school league may exclude a person from:

- (1) any activity of the kind in connection with which the assault occurred; or
- (2) all interscholastic athletic activities.

A school board may exclude a person from any activity sponsored or participated in by the school district.

Subd. 4. **Procedure.** The board of directors of the Minnesota state high school league or a school board may exclude a person from any interscholastic athletic activity if the person assaulted a sports official in connection with an activity. A person alleged to have assaulted a sports official shall be entitled to an informal hearing on the matter by the board of directors of the Minnesota state high school league or school board. Upon finding that the person assaulted a sports official, the board of directors of the Minnesota state high school league or school board shall notify the individual in writing and shall indicate any activity from which, and the period of time for which, the person is excluded.

Subd. 5. **Head varsity coach.** A head varsity coach may be excluded under this section only by the school board employing the coach.

**History:** 1991 c 168 s 1; 1995 c 186 s 119

### 128C.10 EXPENSE LIMITS.

Subdivision 1. **Employee expenses.** Employees of the league may be reimbursed only for expenses as authorized by the commissioner's plan for state employees adopted under section 43A.18, subdivision 2.

Subd. 2. **No credit cards.** The league cannot have credit cards.

Subd. 3. **Director's expense account.** The executive director of the league may have a department head expense account. The account is subject to the same limits and guidelines as the same account for the commissioner of children, families, and learning. The executive director may spend money to entertain from this account only. The executive director may reimburse the expenses of guests of the league from this account only.

Subd. 4. **Advisory committee pay.** A member of an advisory committee may be paid for expenses only. The only way the expenses may be reimbursed is in the same way board members' expenses are reimbursed.

Subd. 5. **Auto policy.** The board must have a policy on the use of automobiles by league staff. The board must show annually how the policy is the most cost-effective alternative available

**History:** 1989 c 220 s 4; 1Sp1995 c 3 art 16 s 13

### 128C.12 AUDITS AND REPORTS BY STATE AUDITOR.

Subdivision 1. **Dues and events revenue.** The state auditor annually must examine the accounts of, and audit all money paid to, the state high school league by its members. The audit must include financial and compliance issues. The state auditor must also audit all money derived from any event sponsored by the league. League audits must include audits of administrative regions of the league. The league and its administrative regions may not contract with private auditors. The scope of the state auditor's examinations of the league must be agreed upon by the board and the state auditor, provided that all requirements of this section must be met.

Subd. 2. [Repealed, 1991 c 265 art 11 s 26]

Subd. 3. **Copies.** The state auditor must file copies of the financial and compliance audit report with the commissioner of children, families, and learning and the director of the legislative reference library.

Subd. 4. **Coverage of report.** The audit report must include the aggregate totals for all revenues and expenditures for the current year and the three years before the current year and the percent and dollar change from the year before each of the four years. Revenue items from student activities, membership dues, publications, registration of officials and judges, interest, automobile sales; and from other sources including medals, refunds, and reimbursements must be audited annually. Expenditure items related to staff, the board of directors, student activities, capital outlay, and office and other purposes including membership services must be audited annually.

Subd. 5. **League to pay for audit.** The league must pay for the audit.

**History:** 1989 c 220 s 4; 1991 c 265 art 11 s 13; 1991 c 345 art 1 s 75; 1Sp1995 c 3 art 16 s 13; 1Sp1997 c 4 art 7 s 38

### 128C.13 INVESTMENT.

The governing board of the league may request the state board of investment to invest nonretirement funds of the league, and the state board of investment may invest these funds when requested.

**History:** 1Sp1997 c 4 art 7 s 39

### 128C.15 EMPLOYMENT.

Subdivision 1. **Affirmative action.** The state high school league must adopt an affirmative action policy. The reason for the policy is to ensure that jobs within the league are equally accessible to all qualified persons. The policy is also needed to eliminate underemployment by the league of the protected groups that are defined in section 43A.02, subdivision 33.

Subd. 2. **Recruiting.** The league must actively and publicly recruit qualified people to become its employees. The league must give special emphasis to recruiting members of protected groups. The league must advertise available positions in newspapers of general circulation. The advertisement must contain a deadline for submitting applications that is at

least 14 days after the date of the last advertisement. The league must keep each application for at least six months and must notify an applicant when a position, for which the applicant is qualified, becomes available.

Subd. 3. **Comparable worth.** The league is a political subdivision under sections 471.992 to 471.999, except that the league must report to the commissioner of employee relations by February 1, 1989, on its implementation plan. A cause of action against the league does not arise before August 1, 1989, for failure to comply with sections 471.992 to 471.999.

**History:** 1989 c 220 s 4

### 128C.17 LEAGUE IS SUBJECT TO DATA PRACTICES ACT.

The collection, creation, receipt, maintenance, dissemination, or use of information by the state high school league is subject to chapter 13. The league must make data relating to its eligibility determinations available to the public in the form of summary data, with all personal identifiers removed.

**History:** 1989 c 220 s 4; 1995 c 259 art 1 s 30

### 128C.20 COMMISSIONER REVIEW OF LEAGUE.

Subdivision 1. **Annually.** Each year the commissioner of children, families, and learning shall obtain and review the following information about the league:

(1) an accurate and concise summary of the annual financial and compliance audit prepared by the state auditor that includes information about the compensation of and the expenditures by the executive director of the league and league staff;

(2) a list of all complaints filed with the league and all lawsuits filed against the league and the disposition of those complaints and lawsuits;

(3) an explanation of the executive director's performance review;

(4) information about the extent to which the league has implemented its affirmative action policy, its comparable worth plan, and its sexual harassment and violence policy and rules; and

(5) an evaluation of any proposed changes in league policy.

Subd. 2. **Recommend laws.** The commissioner may recommend to the legislature whether any legislation is made necessary by league activities.

**History:** 1989 c 220 s 4; 1990 c 562 art 7 s 9; 1991 c 265 art 11 s 14; 1Sp1995 c 3, art 16 s 13

### 128C.22 LEAGUE MUST HAVE OPEN MEETINGS.

For the purposes of section 471.705, the state high school league is considered a state agency required by law to transact business in meetings open to the public.

**History:** 1989 c 220 s 4