

## MN ASSOCIATION OF CHARTER SCHOOLS – NEW LAW PRIMER 2024

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### CHARTER SCHOOL PROVISIONS – (MN Statutes 124E)

#### **NEW: CHARTER SCHOOL PURPOSES 124E.01 subd.1**

- Charter schools **must identify the purposes** outlined in statute (listed below) that it will address in its charter contract.
- **Schools must document** the implementation of those purposes in the school's annual report to be included as a component of the authorizer's performance review of the school.
- Purposes of charter schools outlined in statute:
  - 1) increase quality learning opportunities for all pupils students
  - 2) encourage the use of different and innovative teaching methods
  - 3) measure learning outcomes and create different and innovative forms of measuring outcomes
  - 4) establish new forms of accountability for schools
  - 5) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site

#### **NEW: CHARTER SCHOOL NEW DEFINITIONS 124E.02**

- **CMO "Charter management organization"**: Defined as a non-profit entity or organization that operates or manages a charter school or a network of charter schools or can control all or substantially all of a school's education program or a school's administrative, financial, business, or operational functions.
- **EMO "Educational management organization"** : Defined as a for-profit entity or organization that operates or manages a charter school or network of charter schools or can control all or substantially all of a school's education program or a school's administrative, financial, business, or operational functions.
- **Immediate Family Member** : Defined as any relationship by blood, marriage, adoption or partnership of spouses, parents, grandparents, siblings, children, first cousins, aunts, uncles, grandchildren, nieces, and nephews.
- **Related Party**: Defined as an affiliate or immediate family member of the other interested party, an affiliate of an immediate family member who is the other interested party, or an immediate family member of an affiliate who is the other interested party.

## **CHARTER SCHOOL DISCIPLINE POLICIES 124E.03** (121A.60, 121A.61, and 121A.65.)

- The law clarifies that charter schools **are subject to and must comply with** the Pupil Fair Dismissal Act including new discipline policies and removing students from class policies that passed in the 2023 session.

## **NEW: CHARTER ENGLISH LEARNER POLICIES 124E.03** (123B.32)

- Charter schools **must adopt and review** a Language Access Plan as though they were a district. See MACS *Language Access Plan new law primer* for requirements.

## **NEW: CHARTER SCHOOL BOARDS 124E.07**

### **INITIAL BOARD OF DIRECTORS**

- Initial board members **cannot** be related parties.
- The initial board of directors and school developers **must** comply with training requirements in the charter law upon the incorporation of the school.
- Initial Board **must** begin transitioning to the ongoing board structure by the end of the first year of operation and it **must** be completed by the end of the second year of operation.

### **ONGOING BOARD OF DIRECTORS**

#### **BOARD TERMS**

- Board terms **must** begin on July 1st.
- Board terms can be **no less** than two years.

#### **BOARD BYLAWS**

- Board bylaws **must** set the **number of terms** an individual may serve on the board or as an officer of the board.
- Board bylaws **must** **define the board structure**. Board structure may be one of the following:
  - 1) a majority of teachers
  - 2) a majority of parents
  - 3) a majority of community members
  - 4) no clear majority

## BOARD BYLAWS CONT.

- Board bylaws **must** outline the process to change the board's governance structure.
- Boards can change its governance structure **only** by: 1) a majority vote of the board, 2) majority vote of licensed teachers employed by the school who provide instruction to students, and 3) the authorizer's approval

## BOARD MEMBERSHIP CRITERIA:

- Ongoing board members must include at least **one licensed teacher, at least one parent or legal guardian, and at least one interested community member.**
- **A licensed teacher serving on the board :**
  - 1) must be **employed by the school** or provide at least 720 hours of service under a contract between the charter school and a teacher cooperative
  - 2) must be a **qualified teacher** either **serving as a teacher of record in a field in which the individual has a field license, or providing services to students the individual is licensed to provide** (defined in 122A.16)
    - *Eligible qualified teachers for a board (if other requirements are met) include all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, school counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and school speech-language pathologists.*
  - 3) must **NOT serve in an administrative or supervisory capacity for more than 240 hours** in a school calendar year
- **A parent or legal guardian serving on the board:**
  - 1) must have a student enrolled in the charter school
  - 2) must **NOT** be an employee of the school
- **An interested community member serving on the board:**
  - 1) must **reside** in Minnesota
  - 2) must **NOT** have a child enrolled in the school
  - 3) must **NOT** be an employee of the charter school
- Board members **cannot** be **related parties.**

## BOARD MEMBERS

- Chief financial officers (CFOs) **cannot** serve as ex-officio nonvoting board members - ONLY chief administrators can do so.
- Contractors who provide facilities, goods, or services to a charter school **cannot** serve on the board of directors.
- Any contractor, employee, agent, or board member of an authorizer **cannot** serve on the board of a school chartered by the authorizer if they participated in initially reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school.
- A person **cannot** serve on more than one charter school board at the same time in an elected capacity.
- An individual is **prohibited** from serving on more than one charter school board at the same time in an elected or ex-officio capacity. A charter school administrator **can only serve on more than one charter school board** at the same time in an ex-officio capacity under the rules listed in 124E.12 Subd. 2 (f) : *(undergoing a 2/3rds vote of approval of both boards and notice sent to the authorizer upon approval)*
- Employees of the charter school **cannot** serve on the charter school's board, except licensed teachers under the rules listed in 124E.07 Subd. 3 (b)(1-3).

## BOARD ELECTIONS

- Charter school boards **must establish and publish** election policies and procedures on the school's website.
- Charter school boards **must notify eligible voters** of the school board election dates and voting procedures at least 30 calendar days before the election and post it on the school's website.
- Charter school boards **must notify eligible voters** of the candidate's names, biographies, and candidate statements at least 10 calendar days before the election and post it on the school's website.

## BOARD DUTIES

- Charter School Boards **must decide and are responsible for** all decision making on policy matters related to operating the school, including budgeting, curriculum programming, personnel, and operating procedures.

## NEPOTISM POLICY

- Charter schools boards **must adopt** a nepotism policy that prohibits employing immediate family members of a board member, school employee, or teacher who provides instruction under a contract between the charter school and a cooperative.
  - The board can waive this policy IF:
    1. The position is posted publicly for 20 business days
    2. 2/3rds majority of remaining board directors who are not immediate family members of an applicant vote to approve the hiring
  - A board member, school employee, or teacher under contract with a cooperative cannot be involved in the interview, selection process, hiring, supervision, or evaluation of an employee who is an immediate family member.

## BOARD TRAINING

**All charter school board members and nonvoting ex-officio members (who are charter school directors) must attend board training.**

- **New board members must complete training:**
  - **Before their term begins on**
    - 1) charter school board's role and responsibilities
    - 2) open meeting law
    - 3) data practices law
  - **Within 12 months of being seated on:**
    - 1) employment policies and practices under chapter 181
    - 2) public school funding and financial management
    - 3) the board's roles and responsibilities regarding student success, achievement, and performance.
- Board members who do not complete training within the 12-month period are automatically **ineligible** to continue to serve as a board member and ineligible to be elected or appointed to a charter school board for a period of 18 months.
- The training's completion must be certified by the organization or person providing it.

- **Ex-officio board members** must complete training within 3 months of starting employment at the school. The training's completion must be certified by the organization or person providing it.
  
- **Annual Training requirements for all board members:**
  - Training **must** be based on an annual assessment of the training needs of individual members and the full board.
  
  - The training's completion **must** be certified by the organization or person providing it.
  
  - Training should include but is not limited to :
    - 1) budgeting
    - 2) financial management
    - 3) recruiting and hiring a charter school director or chief administrator
    - 4) evaluating a charter school director or chief administrator
    - 5) governance-management relationships
    - 6) student support services
    - 7) student discipline
    - 8) state standards
    - 9) cultural diversity
    - 10) succession planning
    - 11) strategic planning
    - 12) program oversight and evaluation
    - 13) compensation systems
    - 14) human resources policies
    - 15) effective parent and community relationships
    - 16) authorizer contract and relationships
    - 17) charter school law
    - 18) legal liability
    - 19) board recruitment and elections
    - 20) board meetings and operations
    - 21) policy development and review
    - 22) school health and safety
  
- Charter schools are responsible for covering the costs related to board training.

## BOARD TRAINING REPORTING

- Charter schools **must include** the training each board member completed during the previous year in its annual report.
- Charter school boards **must ensure** that an annual assessment of the board's performance is conducted and the results are reported in the school's annual report.

## BOARD MEETINGS MINUTES

- Charter schools **must publish and maintain** the meeting minutes of the board and committees on the school's website within 30 days following the earlier of : 1) the date the board approved the minutes or 2) the next regularly scheduled meeting.
- Minutes need to remain posted for at least 365 days from the date of publication.

## **NEW: CHARTER SCHOOL CONTRACTS 124E.10 subd. 2**

### LIMITS ON CHARTER AGREEMENTS WITH AUTHORIZERS

- Charter schools **must disclose** to MDE any potential contract, lease, or purchase of a service from the school's authorizer or a current board member, employee, contractor, volunteer, or agent of the school's authorizer.
- The contract lease or purchase **must** be accepted through an open bidding process separate from the charter contract.
- The authorizer **must not** enter into a contract to provide management and financial services to a school it authorizes, unless the school documents receiving at least 2 competitive bids.
- This **does not apply** to a charter school or authorizer when contracting for **legal services** from a lawyer that provides professional services to the school or authorizer (and who is subject to the Minnesota Rules of Professional Conduct.)

## RECORDING AND PRESERVING TERMINATION HEARINGS

- When an authorizer terminates a charter school contract, the school can request a hearing with their authorizer.
- The hearing **must be recorded** by audio recording, video recording, or a court reporter. The authorizer must preserve the recording for three years and make it available to the public.

## **NEW:** ADMISSION REQUIREMENTS AND ENROLLMENT 124E.11

### STAFF CHILDREN ENROLLMENT PREFERENCE ELIGIBILITY

- Staff members of a charter school are eligible for enrollment preference for their child, *including a foster child*, if they are:
  - employed at the school
  - that employment is stipulated in advance to total at least 480 hours in a school calendar year

### ENROLLMENT INCENTIVE PROHIBITIONS

- Charter schools or **agents** of charter schools **cannot** distribute services or goods, payments, or other incentives of value to students, parents, or guardians as an inducement, term, or condition of enrolling a student in a charter school.

### STUDENT WITHDRAWAL CLARIFICATION

- Free Pre-K and K-12 students **must** remain enrolled in charter schools until:
  - 1) the student formally withdraws
  - 2) the school receives a request for the transfer of educational records from another school
  - 3) the school receives a written election by the parent or legal guardian of the student withdrawing the student
  - 4) the student is expelled under the Pupil Fair Dismissal Act

## **NEW:** CMOS AND EMOS 124E.12 subd. 1

- Charter schools **cannot** contract with a CMO (Charter Management Organization) or EMO (Education Management Organization) to provide necessary teachers.



## **NEW: CHARTER SCHOOL ADMINISTRATORS 124E.12 subd. 2**

### **ADMINISTRATORS SERVING ON MULTIPLE CHARTER SCHOOL BOARDS**

- Charter school administrators **cannot** serve on the board of a different charter school **unless** they are serving as an ex-officio member due to being an administrator serving at multiple schools approved under the conditions listed in the next section.

### **ADMINISTRATORS SERVING AT MULTIPLE CHARTER SCHOOLS**

- Charter school administrators **cannot** serve as a paid administrator or consultant with another charter school **unless** the board has knowledge of the arrangement and conducts a 2/3rds vote of approval of the arrangement.
- Boards involved in these arrangements **must send notice** to the authorizers upon approval.

### **BOARD ESTABLISHED QUALIFICATIONS FOR ADMINISTRATORS**

- Charter school boards **must establish** qualifications for all persons who hold administrative, academic supervision, or instructional leadership positions.
- The qualifications **must include** a requirement that the person hold a minimum of a four-year degree from an accredited institution or equivalent experience.
- Other qualifications for these positions **must include** (*as appropriate for the specific position*):
  - 1) instruction and assessment
  - 2) curriculum design
  - 3) human resource and personnel management
  - 4) professional ethics
  - 5) child development
  - 6) financial management
  - 7) legal and compliance management
  - 8) special education oversight
  - 9) contract management
  - 10) effective communication
  - 11) cultural competency
  - 12) board and authorizer relationships
  - 13) parent relationships
  - 14) community partnerships

## BOARD ESTABLISHED QUALIFICATIONS FOR ADMINISTRATORS (CONT.)

- **Charter school boards must use** those qualifications as the basis for the job description, hiring, and performance evaluation of the charter school director or chief administrator.
- **The charter school director must use** those qualifications as the basis for the job descriptions, hiring process, and performance reviews for the administrative staff, academic program supervisors, and instructional leaders who report to the charter school director.

## ADMINISTRATOR TRAINING REQUIREMENTS

- A person who **does not** hold a valid administrator's license **may** perform administrative, academic supervision, or instructional leadership duties.
- **UNLICENSED ADMIN REQUIREMENTS:** A person **without** a valid administrator's license serving as a charter school director or chief administrator must complete a minimum of 25 hours annually of competency-based training corresponding to the individual's annual professional development needs and plan approved by their board.

### **Annual training includes but is not limited to:**

- 1) instruction and curriculum
- 2) state standards
- 3) teacher and staff hiring, development, support, and evaluation
- 4) social-emotional learning
- 5) data collection and usage
- 6) assessment methodologies
- 7) use of technology for learning and management
- 8) charter school law and requirements
- 9) code of professional ethics
- 10) financial management and state accounting requirements
- 11) grant management
- 12) legal and compliance management
- 13) special education management
- 14) health and safety laws
- 15) restorative justice
- 16) cultural competencies
- 17) effective communication
- 18) parent relationships
- 19) board and management relationships
- 20) community partnerships
- 21) charter contract and authorizer relationships
- 22) public accountability

- **LICENSED ADMIN REQUIREMENTS:** A person with a valid administrator’s license serving as a charter school director or chief administrator must complete a minimum of 10 hours of competency-based training during the first year of employment.

**Training must include:**

- 1) charter school law and requirements,
  - 2) board and management relationships
  - 3) charter contract and authorizer relationships
- **For licensed and unlicensed administrator training:**
    - Training **cannot** be self-instructional.
    - The organization or instructor providing the training **must certify** its completion.
    - The administrator **must** submit certification of the completed training to the charter school board.
    - Certifications **must** be maintained in the personnel file.
    - Completing training **must** be a component of annual performance evaluations.
    - All professional development training completed by the charter school director or chief administrator in the previous academic year **must** be documented in the school’s annual report.

**NEW: CONFLICTS OF INTEREST 124E.07, 124E.14**

**AUTHORIZER BOARD CONFLICTS OF INTEREST**

- Charter school employees or board members **cannot** serve on the board or decision-making committee of the school’s authorizer.
- An employee or school board member **must** disclose to the school’s board any paid compensation they receive from the school’s authorizer.
- Any contractor, employee, agent, or board member of an authorizer **cannot** serve on the board of a school chartered by the authorizer if they participated in initially reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school.

**NEW: DISSEMINATION OF INFORMATION 124E.17**

**CHARTER SCHOOL INFORMATION DISSEMINATION AND REPORTING**

- Charter schools **must** disseminate information about the school’s offerings and enrollment procedures to families that reflect the diversity of Minnesota’s population and targeted groups.
- **Target groups include:** low-income families and communities, students of color, students at risk of academic failure, and students underrepresented in the school’s student body relative to Minnesota’s population.
- Schools **must** document their dissemination activities in their annual report.
- The authorizer **must include** a school’s dissemination activities in their performance review of the school.

**AUTHORIZER FINANCIAL STATEMENTS**

- Upon request of an individual, an authorizer **must make available** in a timely fashion:
  - 1) financial statements showing all operations and transactions affecting the authorizer’s income, surplus, and deficit during the last annual accounting period
  - 2) a balance sheet summarizing assets and liabilities on the closing date of the accounting period

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**EFFECTIVE DATE - AUGUST 1, 2024**