

District-Created Site-Governed Public Schools

FINAL LANGUAGE – HR2 OMNIBUS K-12 EDUCATION BILL – 2009 MINNESOTA LEGISLATURE

55.16 Sec. 33. [123B.045] DISTRICT-CREATED SITE-GOVERNED SCHOOLS.

55.17 Subdivision 1. **Authority.** (a) A school board may approve site-governed schools
55.18 under this section by requesting site-governing school proposals. The request for
55.19 proposals must include what types of schools or education innovations the board intends
55.20 to create. A current site may submit a proposal to create a different model for the site if
55.21 60 percent or more of the teachers at the site support the proposal. A group of licensed
55.22 district professionals from one or multiple district sites may submit a proposal. The
55.23 group submitting the proposal must include parents or other community members in the
55.24 development of the proposal. A proposal may request approval for a model of a school not
55.25 included in the request for proposal of the board.

55.26 (b) The school board and the applicable bargaining unit representing district
55.27 employees must enter into memoranda of understanding specifying how applicable
55.28 sections of current contracts will enable the provisions of subdivision 2, clauses (7) and
55.29 (8), to be implemented.

55.30 (c) Within 60 days of receipt of the application, the school board shall determine
55.31 whether to approve, deny, or return the application to the applicants for further information
55.32 or development.

55.33 (d) Upon approval of the proposal, an agreement between the district and the site
55.34 council shall be developed identifying the powers and duties delegated to the site and
55.35 outlining the details of the proposal including the provisions of subdivisions 2, 3, and
56.15. Any powers or duties not specifically delegated to the school site in the agreement
56.2 remains with the school board.

56.3 Subd. 2. **Roles and responsibilities of site-governed schools.** (a) Site-governed
56.4 schools approved by the school board have the following autonomy and responsibilities at
56.5 the discretion of the site:

56.6 (1) to create the site-governing council of the school. The council shall include
56.7 teachers, administrators, parents, students if appropriate, community members, and other
56.8 representatives of the community as determined by the site-governing council. Teachers
56.9 may comprise a majority of the site-governing council at the option of a majority of
56.10 the teachers at the site. The number of members on the site-governing council and the
56.11 composition shall be included in the proposal approved by the school board:

56.12 (2) to determine the leadership model for the site including: selecting a principal,
56.13 operating as a teacher professional practices model with school leadership functions
56.14 performed by one or more teachers or administrators at the school or other model
56.15 determined by the site;

56.16 (3) to determine the budget for the site and the allocation and expenditure of the
56.17 revenue based on provisions of subdivision 3;

56.18 (4) to determine the learning model and organization of the school consistent with
56.19 the application approved by the school board;

56.20 (5) to select and develop its curriculum and determine formative and summative
56.21 assessment practices;

56.22 (6) to set policies for the site including student promotion, attendance, discipline,
56.23 graduation requirements which may exceed the school board standards, and other such
56.24 rules as approved by the school board consistent with the mission, goals, and learning
56.25 program of the school site;

56.26 (7) to determine the length of the school day and year and employee work rules
56.27 covered by the terms and conditions of the employment contract;

56.28 (8) to select teachers and other staff consistent with current law and collective
56.29 bargaining agreements and memoranda of understanding provided for in subdivision 1,
56.30 paragraph (b). At least 70 percent of the teachers must be selected by the site prior to final
56.31 approval of the agreement. Prior to requesting the district to employ staff not currently
56.32 employed by the district, the site must first select current district staff including those on
56.33 requested and unrequested leave as provided for in sections 122A.40 and 122A.41. The
56.34 school board shall be the legal employer of all staff at the site and all teachers and other
56.35 staff members of the applicable bargaining units. Teachers and other employees may be
56.36 required to sign an individual work agreement with the site-governing council committing
57.1 themselves to the mission and learning program of the school and the requirements of
57.2 the site-governing council; and

57.3 (9) to fulfill other provisions as agreed to by the district and site-governing council.

57.4 (b) If a self-governed school created under this section is supervised by a principal,
57.5 that principal must be licensed, consistent with section 123B.147, subdivision 2.

57.6 Subd. 3. **Revenue to self-governed school.** (a) The revenue that shall be allocated
57.7 by the site includes the general education revenue generated by the students at the site from
57.8 state, local, and private sources, referendum revenue, federal revenue from the Elementary
57.9 and Secondary Education Act, Individuals with Disabilities Education Act, Carl Perkins
57.10 Act, and other federal programs as agreed to by the school board and site council.

57.11 (b) The district may retain an administrative fee for managing the federal
57.12 programs, private revenues, and general administrative functions including school board,
57.13 superintendent, district legal counsel, finance, accountability and self-governed school
57.14 contract oversight, facilities maintenance, districtwide special education programs, and
57.15 other such services as agreed to by the site and school board. The administrative fee
57.16 shall be included in the agreement.

57.17 (c) As part of the agreement, the district may provide specific services for the site
57.18 and may specify the amount to be paid for each service and retain the revenues for that
57.19 amount. The formula or procedures for determining the amount of revenue to be allocated
57.20 to the site each year shall be consistent with this subdivision and incorporated in the site
57.21 budget annually following a timeline and process that is included in the agreement with
57.22 the school board. The site is responsible for allocating revenue for all staff at the site and
57.23 for the other provisions of the agreement with the district board.

57.24 (d) All unspent revenue shall be carried over to following years for the sole use
57.25 of the site

57.26 Subd. 4. **Exemption from statutes and rules.** Except as outlined in this section,
57.27site-governed schools established under this section are exempt from and subject to the
57.28same laws and rules as are chartered schools under section 124D.10, except that the
57.29schools shall be subject to chapters 13, 13D, and 179A, and sections 122A.40, 122A.41,
57.30122A.50, and 122A.51.
57.31 Subd. 5. **Performance standards.** (a) The school board and the site council shall
57.32include in the agreement performance standards and expectations that shall include at
57.33least the following:
57.34(1) student achievement targets on multiple indicators including either a growth
57.35model or value-added growth model;
58.1(2) the criteria and process to be followed if it is determined that the site failed
58.2to comply with district oversight and accountability requirements as outlined in the
58.3agreement; and

58.4(3) other performance provisions as agreed to.
58.5(b) All agreements shall be filed with the commissioner. The initial agreement shall
58.6be for up to three years, shall be reviewed annually, and may be renewed by the district
58.7board for additional terms of up to five years based on the performance of the school.
58.8 Subd. 6. **Board termination of self-governed school authority.** (a) The district
58.9board may terminate the agreement for one or more of the following reasons:
58.10(1) failure of the site to meet the provisions specified in the agreement in subdivision 15;
58.12(2) violations of law; or
58.13(3) other good cause shown.
58.14(b) Site-governed schools that are terminated or not renewed for reasons other than
58.15cause may request to convert to charter school status as provided for in section 124D.10
58.16and, if chartered by the board, shall become the owner of all materials, supplies, and
58.17equipment purchased during the period the school was a site-governed school.