



Celebrating Chartering @ 30 – MINNESOTA'S STORY

The 2009 changes to the charter law ushered in a decade long period (2011-2021) where most changes were clarifications of language or were technical in nature. The most significant change occurred in **2016** with the **Recodification of the Law**. The recodification accomplished two important things. **First**, since the beginning, the charter school provisions were found in Chapter 124.D – Education Programs. Charters were seen in the law as a type of academic program. The recodification took charters out of the education program law and created a new and separate chapter in law 124E - Charter Schools. **Second**, the recodification provided an opportunity to eliminate obsolete provisions and put the various provisions of the law in a logical order.

In **2011**, there were several technical changes and clarifications of language adopted which would disappear with the recodification in 2016. There were some changes that were made that are still part of the law:

- Require that charter school board elections be held on days when school is in session.
- Require that charter schools indemnify and hold harmless the authorizer and the commissioner from any liability that might arise for the operation of the school
- Require that the auditor make information available about the school's financial audit to the commissioner or authorizer upon request
- Expand a charter school board's authority to give an enrollment preference to all staff, not just teachers
- Modify the provisions and process if an authorizer and school mutually agree to a change in authorizer

In **2012**, the only provision enacted would allow shared time programs between charter schools and nonpublic schools. (*The provision was deleted in the Recodification.*)

In **2013**, there were both a few important and technical changes. The important changes:

- A requirement that charter school boards adopt a nepotism policy
- A prohibition on immediate family members from serving on the charter school board

- A requirement that the charter school board adopt a teacher evaluation policy
- A requirement that facility leases have an annual certain amount and an escape clause if the school closes. (*The amount certain clause was eliminated in the Recodification*)

If there was one significant policy change in the decade, it was the change in the purposes of chartered schools. The law was amended to make “*The primary purpose of charters to improve all pupil learning and all student achievement.*”

Comment: Given the narrow way in which student achievement is measured by the state, this change which the Association opposed, has weakened and undermined the mission of chartered schools which was to be innovative labs for public education. At one time, a proposed charter needed to document what innovative purposes the school was going to address to get a charter approved. The change in the law has no requirement for the school to be innovative and states that there are additional purposes of charters and now defines the innovative focus as an additional purpose.

After 2013, there was only a handful of policy and technical changes in 2015, 2017, and 2021 and no changes in 2014, 2018, 2019, and 2020.

2015 – the law established a process for the mergers of charter schools, and established the number of months an authorizer must give notice of their intent to withdraw as an approved authorizer

2017 -the law was amended to define charters to include pre-school and pre-K programs as part of the schools and contract, and amended to ensure that schools received lease aid for the portion of the day a student is participating in Postsecondary Enrollment Options

2021 – the law was changed to allow a schools to transfer authorizers after a certain time if the authorizer was still in corrective action based on the evaluation the authorizer received through MAPES

NEXT WEEK: An Agenda for the 4th Decade of the Law



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