



MN ASSOCIATION OF
CHARTER SCHOOLS

Unleashing education from convention

2013
Public Policy Resource
Booklet for Charter Schools

A Compilation of the Public Policy
Positions and Statements of the
Association

Adopted: December 2012



Monday, December 17, 2012

The **2013 Public Policy Resource Booklet for Charter Schools** is a **compilation of the public policy positions and statements** of the Minnesota Association of Charter Schools approved by the membership in December 2012.

These public policy positions and statements are a philosophical framework, which serves as a guide for the government affairs activities of the Association's staff and member schools on a broad range of issues in public education.

The policy positions and statements outlined are not a declaration of support or opposition to specific legislation or legislative language, nor is this compilation our legislative platform for 2013.

However, these policy positions and statements do provide the basis for identifying and prioritizing our legislative platform.

Our annual legislative policy platform is a reflection of our philosophical framework, policy opportunities and political realities. **Our Annual Legislative Policy Platform (*which is a separate document*) is a statement of our priorities for the current session of the Minnesota Legislature.**

We hope this Resource Booklet will be of use educating your school community (board, staff, parents and students) and in communicating with your legislators and other public officials about the policy positions of our member schools.

Eugene Piccolo,
Executive Director



ACADEMICS & ASSESSMENT

We support

- Legislation to require the state assessment system to recognize the use of different and multiple forms of academic and non-academic assessments to measure student achievement and school success.
- Legislation to encompass the State Assessment & Accountability Work Group's recommendations to make state assessments more diagnostic, real-time, and accurate; to refocus Minnesota high school assessments on post-secondary readiness through more comprehensive multiple assessments including career interest inventories and the elimination of the mathematics GRAD.
- The creation and implementation of accountability standards appropriate for schools that serve significant populations of students eligible under the graduation incentives law.
- Clarifying that students are required to meet all graduation standards, but that benchmarks are suggestions, not requirements.
- Amending the requirement that charter school grade expansions or additional sites be directly linked to longitudinal achievement data on statewide assessments for grades, especially when there are no such assessments.
- Expanding the scope of the charter law to include academic programs from grades Pre-K- grade 14.



AUTHORIZERS

We support

- Clarifying that decisions related to grade expansions, additional locations and transfer of authorizers should be the purview of the authorizers and schools and that the role of the commissioner should be to review and comment, not to be decision-maker.
- Providing a “safety net” or “safe harbor” for charters when the commissioner revokes the approval of an authorizer to continue to authorize schools.
- Revising the affiliated building process to eliminate the requirement that an authorizer submit an affidavit for the school to organize an affiliated building company.
- Clarifying that in any potential contract, lease or purchase of service by a school from their authorizer the authorizer demonstrate that bid terms were competitive in relation to the market and that the authorizer made the same terms available to schools that it does not authorize.
- Clarifying that it is a conflict of interest for an authorizer to require a charter school to enter into any contract with a particular corporation, contractor or individual with which the authorizer has a financial relationship or arrangement.
- Clarifying that the role and responsibility of an authorizer is limited after a school closes and the contract between the nonprofit charter school corporation and authorizer has terminated.



AUTONOMY

We oppose

- Any legislation that would change the fundamental principle of "organically developed and locally controlled" charter schools to "corporately controlled and managed" schools.
- Legislation which limits the autonomy of charter school boards to make local decisions or that imposes costly unfunded mandates, or undermines the six purposes of Minnesota's charter schools as defined in law.

FACILITIES

*Preamble – Given that school facilities can enhance or detract from the ability to learn, we believe that children have a right to expect that the facility in which they attend school is safe and healthy, and **we believe that public charter school students should have the ability to have access to facilities that are conducive to the learning process and experience without intrusive or unjustified restrictions.***

*Given that the public policy of the state of Minnesota since 1991 has been that charter schools may not directly own facilities using public funds, **we believe that it is time for the state to reexamine that policy and create other options for financially sound public charter schools.***

*Given that charter schools do not have the authority to levy taxes, **we believe that charter schools should receive facilities aid that reflects the actual cost of providing facilities for students who attend public charter schools.***

We support

- A direct ownership option for charter schools that have met appropriate criteria, including a demonstrated record of sound financial management, business practices and a sustainable plan for the future.



- The creation of a Minnesota Charter School Facilities Authority empowered to issue bonds for qualifying charter schools to purchase, renovate or construct a facility directly or through an affiliated building company.
- Clarifying the charter school law to state that access to facilities that are safe, healthy and conducive to the learning process and experience should not be conditioned to the academic performance on the state assessments.
- That all facilities owned through affiliated building companies be transferred to direct ownership of the charter school upon bonds being paid off, so that if a school closes after that point in time the charter school facility shall be deemed an asset of the school and public property.
- The state undertaking an inventory of state, local and school district facilities that could be utilized by traditional school districts, charter schools and other public entities for school or youth programming.
- Legislation to prohibit school districts and other local governmental units or agencies from adopting or practicing policies that discriminate against charter schools from leasing or purchasing vacant, surplus, publicly-owned property.
- The establishment of a state policy that would establish a transfer of sale price of \$1 for surplus, vacant, publicly-owned property that has no mortgage or bonds against its value to a charter school eligible for direct ownership of a facility.
- Creating incentives in the lease aid program to provide charter schools with leverage in negotiating with landlords, and allowing schools to utilize the savings in lease costs for other related facilities costs.
- That school districts or other public entities who lease to charters schools be limited in the rate they may charge charter schools for leasing to no more than 50% of per pupil lease aid, given that taxpayers have already paid for those public buildings.
- Redefining “lease aid” revenue to “facilities aid” to accurately reflect its purpose and broaden the use of this aid to allow for expenditures related to compliance with federal, state and local health and safety laws.



FINANCE

Preamble – Given that the Minnesota Constitution gives the legislature the responsibility and duty to establish a general and uniform system of public schools, and the power of taxation to secure a comprehensive and efficient system of schools and given that the funding gap for public charter school student public verses school students who attend traditional school districts continues to expand as local property taxes become a higher percentage of school funding, **we believe that funding for all public schools should be state-based instead of local property-based in order to ensure equitable funding for public school students throughout the state.**

Further, given that the education needs of individual students are unique and varied, and that public school choice is a value and benefit to the students and the education system of our state, **we believe that all funding (federal, state or local) should follow the individual student to the public school of the student's and/or parent's choice.**

We support

- The timely restoration of the 90/10 holdback formula for K-12 education.
- The state providing charter schools that are not in statutory debt with a “letter of aid anticipation” equal to the amount of the annual excess holdback (above 10%) as a means of providing lending institutions evidence of collateral for short-term borrowing.
- Providing new charter schools with funding on the 90/10 holdback formula for the first five years of operation, and then subject them to any higher holdback beginning with the sixth year of operation.
- All-day kindergarten funding for all students whose parents desire a full-day program.
- Allowing the use of general education formula aid for Pre-K programs.
- Strengthening the basic education formula and reducing reliance on local referendum levies.
- Adjusting the basic education formula periodically to account for inflation.



- Charter school students receiving an equal share of local referendum levies if the student resides in that district and attends a charter school located in that resident district.
- The simplification of the funding formulas by reducing the number of student counts and sensible pupil weightings.
- Combining categorical aid formulas (except charter school lease aid) into the general education formula if the combined effect on revenue is neutral and transition aid and time is provided for individual schools that may be negatively affected.
- The reform of the special education funding formula which increases state aid and targets excess cost aid to district and charters with the greatest need.
- Expanding the Minnesota education tax credit and deduction to include financial gifts to public schools to provide academic program supports for low-income and at-risk students that attend public schools.



GOVERNANCE AND MANAGEMENT

We support

- Establishing a legal process for the merger of charter schools in which the authority for approval rests with the charter school boards and authorizers after review and comment of the commissioner.
- Establishing that single purpose authorizer organizations must be free standing nonprofits and not subsidiaries or nonprofit affiliated organizations located in other states.
- Clarifying the definitions of “governance model” and “governance structure” as having two distinctive meanings in the charter school law.
- Allowing charter school board “community members” to vote in the regular elections of charter school board members.
- Amending the law to exclude charter schools from the \$3 million insurance claims requirement relating to the release or threatened release of hazardous substances.
- Support amending the conflict interest provisions of the charter law that an employee, agent or board member of the authorizer, cannot be an employee or contractor of the charter school.
- Amending the charter law to state that an impermissible conflict of interest exists if a party has the ability to affect the management or operations of a school and any direct or indirect financial transaction between the parties exceeds 10% of a schools’ total general fund expenditures.



PERSONNEL

We support

- The creation of an interdisciplinary teacher license which recognizes the role of the teacher as a facilitator/manager of learning process for schools that utilize a personalized interdisciplinary learning program approach.
- Broadening the legal requirement for criminal background checks of school employees to all fifty states and the federal system, especially if the individual has lived or worked in another state.
- The legislature commissioning the Legislative Auditor or an advisory committee to study and recommend policies to modernize Minnesota’s teacher licensure and re-licensure system.
- A requirement that every charter school board develop or adopt and implement an evaluation system for teachers and all administrative, supervisory or instructional leadership positions that is designed to measure school outcomes – including academic and non-academic goals.
- A requirement that all charter school boards adopt a policy regarding nepotism in employment.
- Clarifying that an individual is prohibited from serving on the charter school board if “an immediate family member” is an employee or is an individual with whom the charter school contracts, directly or indirectly, through full or part ownership, for professional services, goods or facilities.

We oppose

- Any mandate that charter school administrative personnel be required to be licensed.



STUDENT SAFETY AND ACTIVITIES

We support

- Legislation to encompass the recommendations of the Bullying Prevention Task Force which focus on defining a strong anti-bullying policy, preventive education, school and student supports, and formative interventions and practices.
- Legislation directing the MN High School League to institute policies which as a matter of public policy, encourages school districts and charter schools to enter into cooperative agreements to ensure that the interests and needs of young people are the first and foremost consideration in extracurricular programs, rather than school or League interests.
- Legislation that would allow a charter school student to participate in their resident district High School League extracurricular activity if a charter school does not offer a similar High School League extracurricular activity or the charter school does not have a cooperative agreement with another district for that particular activity.
- A requirement that all schools annually publish the income and expenditures of each High School League extra-curricular activity as a matter of public financial transparency and accountability.



TRANSPORTATION

Preamble – Given that Minnesota’s student transportation system is based on a historic geographically-based school system from an era before the state made a series of policy decisions that created educational options for students (open-enrollment, PSEO, charter schools and other options); and the fact that we live in an era focused on environmental and energy costs; we believe that the state of Minnesota should adopt policies to encourage innovation in service delivery and design, make investments in more energy efficient modes of transportation, and provide adequate funding to cover the real costs of student transportation.

We support

- The Legislature commissioning the Legislative Auditor or an advisory committee to study and recommend policies and funding for a 21st century student transportation system.
- Policies and incentives that encourage school districts, charter schools, and state patrol to work together to provide safe student transportation in an efficient and cost-effective way.

We oppose

- Policies that require charter schools to reimburse traditional school districts for excess student transportation costs beyond state aid, unless charter school students are provided an equal share of local referendum funding.

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