



Unleashing education from convention

MN Association of Charter Schools 2013-2014 Government Affairs Report

INTRODUCTION

When the 88th Minnesota Legislature convened for the first session in January 2013 there were indications that the legislature would give little if any time to needed changes in Minnesota's charter school law and that, if there was any focus on charter school issues, the focus would be on issues raised by opponents of chartering.

Despite this, the Association moved forward to have legislation introduced to create a comprehensive **Alternative Accountability Measures Bill** for charter schools serving a significant population of graduation incentives students. We also held conversations with key legislators about the possibility of moving forward with a comprehensive **Charter School Facilities Bill**.

It was clear from almost all of the meetings that our legislative agenda would need to be narrowly focused technical proposals, as the priorities of the sessions were going to be on state fiscal issues and a host of non-education issues, and that in terms of education the priorities were school funding formula changes, teacher and administrator evaluation, career and college readiness, safe and supportive schools and English language learners.

So within that context, the Association's expectations for the 88th legislature were modest and we adjusted our strategy to accommodate legislative realities. **Despite those realities the Association was able to secure enactment of a number of our legislative proposals and initiatives.**

In addition, the Association was able to successfully negotiate with MDE and other organizations, on a number of their legislative proposals related to charters. The Association also actively supported a number of proposals led by other organizations that would benefit charter schools and students. **Finally**, the Association was also able to fend-off a number of proposals that were contrary to our principles and positions in both sessions of the 88th Legislature.

THE ASSOCIATION'S 2013- 2014 LEGISLATIVE PLATFORM

In December, 2012 shortly before the beginning of the 2013 legislative session, our members ratified the policy platform that would guide the legislative initiatives, positions, and actions of the staff and our contracted government affairs consultant during the 2013-2014 sessions of the Minnesota Legislature.

The platform contained policy proposals regarding; **Academics and Assessments, Authorizers, Autonomy, Facilities, Finance, Governance and Management, Personnel, Student Safety and Activities, and Transportation.**

In order for any of the Association's legislative agenda to be enacted into law, the Association undertakes a series of actions that include: *drafting legislative language for bills; seeking legislative authors and co-authors from both political parties; reviewing the bill language compiled by the Revisor of Statutes staff; providing background*

information to authors; educating committee members about the issues, the proposed legislation and seeking their vote; meeting with committee chairs and legislative staff; preparing legislative testimony and testifiers for committee hearings; testifying at committee hearings; meeting with legislative leadership and administration officials; and educating and seeking the votes of conference committee members.

MACS PROPOSALS ENACTED in the 2013 – 2014 SESSION

2013:

- Clarified the mutual termination/authorizer transfer process
- Required that authorizers report income as well as expenditures
- Clarified the right of community members on a charter board to vote in board elections
- Clarified the ongoing/annual training definition for board members
- Clarified the difference between board structure and board composition
- Clarified the 3 legal steps involved in changing board structure
- Clarified which employees and family members of school employees can serve on charter boards
- Clarified that boards have authority and responsibility to adopt personnel policies and evaluation procedures
- Clarified that charter boards adopt a nepotism policy

2014:

- Expanded the scope of chartering to recognize Pre-school or Pre-K programs as a formal program under their charter
- Allowed enrollment preference to Pre-school or Pre-K students who attend a free pre-school or pre-Kindergarten program
- Permitted charter school board of directors with the approval of the authorizer to use an alternative longitudinal assessment for demonstrating achievement and growth for grade or site expansions
- Eliminated the requirement that authorizers submit an affidavit for a school to organize an affiliated building company
- Established a requirement that the commissioner must give final decisions on original and supplementary affidavits within 15 days of authorizer submitting response to any concerns or deficiencies
- Revised and narrowed the definition enacted in 2013 of "management contracts" that must be submitted as part of the annual audit
- Revised the term and clarified the definition of "escape" clause enacted in 2013 and eliminated the retroactive nature of the provision
- Clarified that the teacher evaluation requirements under MN Statutes do not create any additional employment rights
- Clarified when a student is unenrolled in a charter school
- Revised the criteria and timeframe for the establishment and accountability of affiliated building companies
- Linked the requirement for review and comment of facility projects to the changes in the Review and Comment Statutes

CHARTER SCHOOL PROPOSALS by MDE and OTHER GROUPS

The MN Association of Charter Schools is not the only organization that puts forth legislation on charter schools. **There are always proposals from the executive branch (MDE), as well as other organizations involved in the charter movement and by individual legislators.**

7/14/2014

When the MN Department of Education, other organizations, or individual legislators put forward legislative proposals and bills regarding charters, the work of the Association - is to study and identify the impact on charters, express our support or concerns to legislators and legislative staff, negotiate with MDE or the other organizations on the legislative language, testify at hearings to express our support, concerns, or opposition, and lobby committee members until a vote.

Often our work results in a compromise, while other times when we are unable to reach a compromise, we stand in opposition to the legislation, and even though we oppose it, the proposal often passes because there are other interests at work.

OTHER CHARTER SCHOOL PROPOSALS ENACTED in 2013-2104

2013:

- Requirement that the primary purpose of charters is to improve pupil learning
- Requirement that leases must contain an “escape” clause and be for a “sum certain”
- Prohibition of board elections being held on school breaks
- Requirement that charter schools comply with Truancy Notification Law
- Clarification that annual audit must include audit of affiliated building company
- Requirement that audits must include information about companies providing “management services” to schools
- Permission to allow authorizers to charge pre-operational schools an authorizer fee upon being chartered
- Requirement that charter schools are subject to the provisions of the World’s Best Workforce Law
- Requirement that charter schools are subject to Early Admission requirements for K or 1st grade
- Requirement that boards must adopt teacher evaluation policy and processes
- Permission for the commissioner to create specifications for authorizers annual report
- Requirement that contracts specify the conditions for contract renewals and how if a school closes it plans to assist students to enroll in another school

2014:

- Clarification that primary purpose is to improve “all” pupil learning and “all” student achievement
- Requirement that charter contracts must identify the performance of “all” student as the most important factor in contract renewal
- Establishment of annual deadlines for submission of original school affidavits and supplementary affidavits to MDE
- Clarification that a charter school may not require parents to surrender transportation rights
- Clarification of which provisions of the student transportation Statutes apply to charters
- Permission for a nonprofit limited liability corporation under MN 322B.975 to be a single purpose authorizer
- Requirement that Safe and Supportive School Act applies to charter schools
- Requirement that charter schools with more than 25 employees that offers health insurance must follow certain procedures for the purchase of insurance and that the boards and administrators of those schools may not accept gifts from insurance companies
- Requirement that charter schools with collective bargaining units are subject to Group Insurance for Governmental Units Law and the Certain Gifts of Interested Persons Law

- Clarification that payment schedule for the normal 10% holdback goes reverts back to the regular payment schedule for districts when state is on 90/10 payment schedule
- Requirement that North Shore Community School give an enrollment preference to students residing in a 5-mile radius of the school
- Clarification that the right of an exclusive representative to negotiate the terms and conditions of employment cannot be superseded if there is a collective bargaining unit

GENERAL EDUCATIONS PROPOSALS ENACTED in 2013 -2014

In every legislative session there are legislative proposals from the Governor, MDE and other groups that while not about charter schools specifically, will impact or benefit charter schools or students.

If the Association’s principles or platform are in concert with the proposal, the staff and our contracted government affairs consultant determine the course of action that the Association will take to support the legislation.

That support may be in the form of: joining in a coalition with other groups; recommending changes in legislative language with legislators and/or lobbyists for organization; letters/emails to legislators, meeting and talking with legislators; and testifying at committee hearings.

2013 – 2014:

- Restoration of 90/10 payment schedule to schools
- Simplification of funding formula and the per pupil weighting system
- Elimination of the GRAD Math test
- World’s Best Workforce Law
- Career and College Readiness Assessments
- Safe and Supportive Schools Act
- All day Kindergarten Funding
- Native and English Language Development Act

CONCLUSION

While expectations were modest at the beginning of the 88th Legislature, at the end of biennium, the Association was able to accomplish a significant number of our policy initiatives in our 2013-2014 Legislative Platform. We also were able to negotiate (*sometimes successfully and at other times not so successfully*) on the charter school proposals by other organizations. We also actively supported the work of other organizations to enact broader education policy and funding measures, as well as fend-off a number of unfriendly proposals to the charter school movement.

The accomplishments during the biennium built on the Association’s record of success at the legislature. In the closing days of the session one key legislative leader expressed **‘amazement at the success the Association has year-in and year-out at the legislature given our limited government affairs staff and resources’**, compared to many other education organizations with significantly more resources, including those opposed to charter schools.

While the 88th Legislature is now history, **the public policy work of the Association goes on, as it does every year, all year long.** Even though the calendar indicates that the 89th Legislature, which convenes on January 6, 2015, is still more than five months off in the future, the Association is at work preparing for the 2015 session – because success is only achieved through an ongoing, never-ending effort.