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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1697**

March 5, 2007

Authored by Loeffler, Carlson, Norton and Welti

The bill was read for the first time and referred to the Committee on E-12 Education

1.1 A bill for an act
1.2 relating to education; establishing a State Board of Education; amending
1.3 Minnesota Statutes 2006, sections 120A.05, by adding a subdivision; 127A.05,
1.4 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter
1.5 127A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 120A.05, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 14a. **State Board of Education.** "State Board of Education" or "state board"
1.10 means the State Board of Education established under section 127A.03 that is charged
1.11 with general supervision over educational agencies and other education-related matters.

1.12 **EFFECTIVE DATE.** This section is effective January 1, 2008.

1.13 Sec. 2. **[127A.03] STATE BOARD OF EDUCATION.**

1.14 Subdivision 1. **State board established; appointments; meetings; conflict of**
1.15 **interest; administrative costs.** (a) The Department of Education is maintained under
1.16 the direction of a State Board of Education composed of the following members: eight
1.17 representative citizens of the state, one of whom resides in each congressional district in
1.18 the state.

1.19 (b) The governor appoints the representative citizen members of the state board
1.20 with the advice and consent of the senate. The State Board of Education annually elects
1.21 one of its members as president, but no member serves as president more than three
1.22 consecutive years.

1.23 (c) The State Board of Education holds meetings on dates and at places it designates.

2.1 (d) No member shall hold any public office, or represent or be employed by any
 2.2 board of education or school district, public or private, and shall not voluntarily have any
 2.3 personal financial interest in any contract with a board of education or school district, or
 2.4 be engaged in any capacity where a conflict of interest may arise.

2.5 (e) The administrative costs of the State Board of Education must be paid out of
 2.6 Department of Education appropriations.

2.7 Subd. 2. **Membership; compensation.** The membership terms, compensation,
 2.8 removal of members, and filling of vacancies on the state board are as provided in section
 2.9 15.0575.

2.10 Subd. 3. **Residency requirement.** If a member ceases to be a resident of the
 2.11 congressional district from which the member was appointed, the member shall cease
 2.12 to be a member of the state board. The governor must appoint a successor within six
 2.13 months thereafter.

2.14 **EFFECTIVE DATE.** This section is effective January 1, 2008.

2.15 Sec. 3. Minnesota Statutes 2006, section 127A.05, subdivision 1, is amended to read:

2.16 Subdivision 1. **Appointment and duties.** (a) The department shall be under the
 2.17 administrative control of the commissioner of education which office is established. The
 2.18 ~~governor~~ commissioner is the secretary of the State Board of Education. The State Board
 2.19 of Education shall appoint the commissioner under the provisions of section 15.06. For
 2.20 purposes of section 15.06, the State Board of Education is the appointing authority.

2.21 (b) The commissioner serves at the pleasure of the board.

2.22 (c) The commissioner shall be a person who possesses educational attainment
 2.23 and breadth of experience in the administration of public education and of the finances
 2.24 pertaining thereto commensurate with the spirit and intent of this code. Notwithstanding
 2.25 any other law to the contrary, the commissioner may appoint two deputy commissioners
 2.26 who shall serve in the unclassified service. The commissioner shall also appoint other
 2.27 employees as may be necessary for the organization of the department. The commissioner
 2.28 shall perform such duties as the law and rules may provide and be held responsible for the
 2.29 efficient administration and discipline of the department. The commissioner is charged
 2.30 with the execution of powers and duties to promote public education in the state and to
 2.31 safeguard the finances pertaining thereto.

2.32 **EFFECTIVE DATE.** This section is effective January 1, 2009.

2.33 Sec. 4. **INITIAL STATE BOARD OF EDUCATION APPOINTMENTS.**

3.1 Initial appointments to the State Board of Education under Minnesota Statutes,
3.2 section 127A.03, are as follows:

3.3 (1) four members, at least one of whom resides in each of four congressional
3.4 districts serve a two-year term; and

3.5 (2) four members, at least one of whom resides in each of the remaining four
3.6 congressional districts not represented under clause (1) serve a four-year term.

3.7 The membership terms, compensation, removal of members, and filling of vacancies on
3.8 the state board otherwise are as provided in Minnesota Statutes, section 15.0575.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.10 **Sec. 5. REVISOR'S INSTRUCTION.**

3.11 In Minnesota Statutes and Minnesota Rules, all references changed from the State
3.12 Board of Education to the commissioner of education and all authority transferred from
3.13 the State Board of Education to the commissioner of education under Laws 1998, chapter
3.14 398, and Laws 1999, chapter 241, shall be changed back to the State Board of Education.
3.15 Among other things, and as an illustration only, these changes shall affect the authority to
3.16 exercise general supervision over educational agencies and adopt or amend administrative
3.17 rules. In addition, and consistent with the provisions of this act, the revisor of statutes, in
3.18 consultation with house and senate counsel, shall make other necessary changes affecting
3.19 the powers and duties of the State Board of Education, consistent with the law as it
3.20 appeared in Minnesota Statutes 1996 and Minnesota Statutes 1997 Supplement, and in
3.21 Minnesota Rules 1997 and supplements. The revisor shall prepare a report to the 2008
3.22 legislature showing where these changes were made. The changes identified by the revisor
3.23 shall be effective January 1, 2009.

3.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.