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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 613

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

- 1.1A bill for an act
- 1.2relating to education; enabling school districts to focus on delivering academic
- 1.3services; transferring responsibilities for noncurricular athletic and fine arts
- 1.4activities for youth from school districts to local governments; amending
- 1.5Minnesota Statutes 2008, sections 122A.33, subdivision 1; 123B.35; 123B.36,
- 1.6subdivision 1; 123B.49, subdivisions 1, 4; 123B.51, subdivision 4, by adding
- 1.7a subdivision; 124D.61; 124D.74, subdivision 6; 128C.01; 128C.02; 128C.03;
- 1.8128C.05; 128C.07; 128C.08; 275.70, subdivision 5; repealing Minnesota Statutes
- 1.92008, section 124D.095, subdivision 5.
- 1.10BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.11Section 1. Minnesota Statutes 2008, section 122A.33, subdivision 1, is amended to
- 1.12read:
- 1.13Subdivision 1. **Employment.** Notwithstanding section 122A.15, subdivision 1, a
- 1.14school district may employ as a head varsity coach of ~~an~~ a cocurricular interscholastic
- 1.15sport at its secondary school a person who does not have a license as head varsity coach
- 1.16of a cocurricular interscholastic sports and who does not have a bachelor's degree if:
- 1.17(1) in the judgment of the school board, the person has the knowledge and
- 1.18experience necessary to coach the sport;
- 1.19(2) can verify completion of six quarter credits, or the equivalent, or 60 clock hours
- 1.20of instruction in first aid and the care and prevention of athletic injuries; and
- 1.21(3) can verify completion of a coaching methods or theory course.
- 1.22Sec. 2. Minnesota Statutes 2008, section 123B.35, is amended to read:
- 1.23**123B.35 GENERAL POLICY.**
- 1.24It is the policy of the state of Minnesota that public school education shall be
- 1.25free and no pupil shall be denied an education because of economic inability to furnish

educational books and supplies necessary to complete educational requirements necessary for graduation. Any practice leading to suspension, coercion, exclusion, withholding of grades or diplomas, or discriminatory action based upon nonpayment of fees denies pupils their right to equal protection and entitled privileges. It is recognized that school boards do have the right to accept voluntary contributions and to make certain charges and to establish fees in areas considered ~~extra-curricular~~ cocurricular, noncurricular, or supplementary to the requirements for the successful completion of a class or educational program. No public school board may require, except as authorized by sections 123B.36 and 123B.38, the payment of fees.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 3. Minnesota Statutes 2008, section 123B.36, subdivision 1, is amended to read:

Subdivision 1. **School boards may require fees.** (a) For purposes of this subdivision, "home school" means a home school as defined in sections 120A.22 and 120A.24 with five or fewer students receiving instruction.

(b) A school board is authorized to require payment of fees in the following areas:

(1) in any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the pupil;

~~(2) admission fees or charges for extracurricular activities, where attendance is optional and where the admission fees or charges a student must pay to attend or participate in an extracurricular activity is the same for all students, regardless of whether the student is enrolled in a public or a home school;~~

~~(3)~~ (2) a security deposit for the return of materials, supplies, or equipment;

~~(4)~~ (3) personal physical education and athletic equipment and apparel, although any pupil may personally provide it if it meets reasonable requirements and standards relating to health and safety established by the board;

~~(5)~~ (4) items of personal use or products that a student has an option to purchase such as student publications, class rings, annuals, and graduation announcements;

~~(6)~~ (5) fees specifically permitted by any other statute, including but not limited to section 171.05, subdivision 2; provided (i) driver education fees do not exceed the actual cost to the school and school district of providing driver education, and (ii) the driver education courses are open to enrollment to persons between the ages of 15 and 18 who reside or attend school in the school district;

~~(7)~~ (6) field trips considered supplementary to a district educational program;

~~(8)~~ (7) any authorized voluntary student health and accident benefit plan;

3.1 ~~(9)~~ (8) for the use of musical instruments owned or rented by the district, a
 3.2 reasonable rental fee not to exceed either the rental cost to the district or the annual
 3.3 depreciation plus the actual annual maintenance cost for each instrument;

3.4 ~~(10)~~ (9) transportation of pupils to and from extracurricular activities conducted at
 3.5 locations other than school, where attendance is optional;

3.6 ~~(11)~~ (10) transportation to and from school of pupils living within two miles from
 3.7 school and all other transportation services not required by law. If a district charges fees
 3.8 for transportation of pupils, it must establish guidelines for that transportation to ensure
 3.9 that no pupil is denied transportation solely because of inability to pay;

3.10 ~~(12)~~ (11) motorcycle classroom education courses conducted outside of regular
 3.11 school hours; provided the charge must not exceed the actual cost of these courses to
 3.12 the school district;

3.13 ~~(13)~~ (12) transportation to and from postsecondary institutions for pupils enrolled
 3.14 under the postsecondary enrollment options program under section 123B.88, subdivision
 3.15 22. Fees collected for this service must be reasonable and must be used to reduce the cost
 3.16 of operating the route. Families who qualify for mileage reimbursement under section
 3.17 124D.09, subdivision 22, may use their state mileage reimbursement to pay this fee. If no
 3.18 fee is charged, districts must allocate costs based on the number of pupils riding the route.

3.19 **EFFECTIVE DATE.** This section is effective July 1, 2010.

3.20 Sec. 4. Minnesota Statutes 2008, section 123B.49, subdivision 1, is amended to read:

3.21 Subdivision 1. **Activities outside district limits.** Whenever it appears to be
 3.22 beneficial and for the best interest of the district and the pupils of the district to carry on any
 3.23 school cocurricular sport activities or cocurricular educational activities connected with
 3.24 their studies outside of the territorial limits of the district, the board may authorize such
 3.25 activities to be conducted under such rules and regulations as the board deems sufficient.
 3.26 The board shall not authorize noncurricular activities. The district may pay all necessary
 3.27 cocurricular costs ~~therefor~~ including transportation from the district funds available.

3.28 **EFFECTIVE DATE.** This section is effective July 1, 2010.

3.29 Sec. 5. Minnesota Statutes 2008, section 123B.49, subdivision 4, is amended to read:

3.30 Subd. 4. **Board control of extracurricular prohibited from offering**
 3.31 **noncurricular activities.** (a) The board ~~may take charge of and control all extracurricular~~
 3.32 is prohibited from authorizing noncurricular activities ~~of~~ for the teachers and children of
 3.33 the public schools in the district. ~~Extracurricular~~ "Noncurricular activities" means all

direct and personal services for pupils for their enjoyment that are managed and operated under the guidance of an adult or staff member. ~~The board shall allow all resident pupils receiving instruction in a home school as defined in section 123B.36, subdivision 1, paragraph (a), to be eligible to fully participate in extracurricular activities on the same basis as public school students.~~

(b) ~~Extracurricular~~ Noncurricular activities have all of the following characteristics:

(1) they are not offered for school credit nor required for graduation;

(2) they are generally conducted outside school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities; and

(3) the content of the activities is determined primarily by the pupil participants under the guidance of a staff member or other adult.

~~(c) If the board does not take charge of and control extracurricular activities, these activities shall be self-sustaining with all expenses, except direct salary costs and indirect costs of the use of school facilities, met by dues, admissions, or other student fund-raising events. The general fund must reflect only those salaries directly related to and readily identified with the activity and paid by public funds. Other revenues and expenditures for extra-curricular activities must be recorded according to the Manual for Activity Fund Accounting. Extracurricular activities not under board control must have an annual financial audit and must also be audited annually for compliance with this section.~~

~~(d) If the board takes charge of and controls extracurricular activities, any or all costs of these activities may be provided from school revenues and all revenues and expenditures for these activities shall be recorded in the same manner as other revenues and expenditures of the district.~~

~~(e) If the board takes charge of and controls extracurricular activities, the teachers or pupils in the district must not participate in such activity, nor shall the school name or any allied name be used in connection therewith, except by consent and direction of the board.~~

(c) Noncurricular activities do not include intramural sports programs that involve team and individual athletic and fine arts activities, tournaments, meets, and other events that are limited to participants and teams within a school and that remain under the direction and sponsorship of the school.

(d) A school board is prohibited from spending any general fund revenue on noncurricular activities.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 6. Minnesota Statutes 2008, section 123B.51, is amended by adding a subdivision to read:

5.1 **Subd. 3a. Lease for noncurricular services.** (a) To the extent possible, for any part
5.2 of the day outside of the regular school day, the board shall lease school district athletic
5.3 fields, gymnasium space, and other school space needed for noncurricular activities under
5.4 section 123B.49, subdivision 4, paragraphs (b) and (c), to a local unit of government
5.5 providing league-sponsored athletic and fine arts noncurricular activities under chapter
5.6 128C before committing those spaces for other uses.

5.7 (b) In districts with outstanding bonds, the net proceeds of the lease must be first
5.8 deposited in the debt retirement fund of the district in an amount sufficient to meet, when
5.9 due, that percentage of the principal and interest payments for outstanding bonds that is
5.10 ascribable to the payment of expenses necessary and incidental to the construction or
5.11 purchase of the particular building or property that is leased. Any remaining net proceeds
5.12 in these districts may be deposited in either the debt redemption fund or operating capital
5.13 account. All net proceeds of the lease in districts without outstanding bonds shall be
5.14 deposited in the operating capital account of the district.

5.15 (c) The board may make capital improvements to the real property, not exceeding
5.16 in cost the replacement value of the property, to facilitate its rental, and the lease of the
5.17 improved property, or part of it, shall provide for rentals that will recover the cost of
5.18 the improvements over the initial term of the lease. Notwithstanding paragraph (b), the
5.19 portion of the rentals representing the cost of the improvements shall be deposited in the
5.20 operating capital account of the district and the balance of the rentals shall be used as
5.21 provided in paragraph (b).

5.22 **EFFECTIVE DATE.** This section is effective July 1, 2010.

5.23 Sec. 7. Minnesota Statutes 2008, section 123B.51, subdivision 4, is amended to read:

5.24 **Subd. 4. Lease for nonschool purpose.** (a) After meeting the obligations in
5.25 subdivision 3, the board may lease to any person, business, or organization real property
5.26 that is not needed for school purposes, or part of the property that is not needed for school
5.27 purposes if the board determines that leasing part of the property does not interfere with
5.28 the educational programs taking place on the property. The board may charge and collect
5.29 reasonable consideration for the lease and may determine the terms and conditions of
5.30 the lease.

5.31 (b) In districts with outstanding bonds, the net proceeds of the lease must be first
5.32 deposited in the debt retirement fund of the district in an amount sufficient to meet when
5.33 due that percentage of the principal and interest payments for outstanding bonds that is
5.34 ascribable to the payment of expenses necessary and incidental to the construction or
5.35 purchase of the particular building or property that is leased. Any remaining net proceeds

in these districts may be deposited in either the debt redemption fund or operating capital account. All net proceeds of the lease in districts without outstanding bonds shall be deposited in the operating capital account of the district.

(c) The board may make capital improvements to the real property, not exceeding in cost the replacement value of the property, to facilitate its rental, and the lease of the improved property, or part of it, shall provide for rentals which will recover the cost of the improvements over the initial term of the lease. Notwithstanding paragraph (b), the portion of the rentals representing the cost of the improvements shall be deposited in the operating capital account of the district and the balance of the rentals shall be used as provided in paragraph (b).

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 8. Minnesota Statutes 2008, section 124D.61, is amended to read:

124D.61 GENERAL REQUIREMENTS FOR PROGRAMS.

A district that enrolls one or more children of limited English proficiency must implement an educational program that includes at a minimum the following requirements:

(1) identification and reclassification criteria for children of limited English proficiency and program entrance and exit criteria for children with limited English proficiency must be documented by the district, applied uniformly to children of limited English proficiency, and made available to parents and other stakeholders upon request;

(2) a written plan of services that describes programming by English proficiency level made available to parents upon request. The plan must articulate the amount and scope of service offered to children of limited English proficiency through an educational program for children of limited English proficiency;

(3) professional development opportunities for ESL, bilingual education, mainstream, and all staff working with children of limited English proficiency which are: (i) coordinated with the district's professional development activities; (ii) related to the needs of children of limited English proficiency; and (iii) ongoing;

(4) to the extent possible, avoid isolating children of limited English proficiency for a substantial part of the school day; and

(5) in predominantly nonverbal subjects, such as art, music, and physical education, permit pupils of limited English proficiency to participate fully and on an equal basis with their contemporaries in public school classes provided for these subjects. To the extent possible, the district must assure to pupils enrolled in a program for limited English

7.1 proficient students an equal and meaningful opportunity to participate fully with other
 7.2 pupils in all ~~extracurricular~~ cocurricular activities.

7.3 **EFFECTIVE DATE.** This section is effective July 1, 2010.

7.4 Sec. 9. Minnesota Statutes 2008, section 124D.74, subdivision 6, is amended to read:

7.5 Subd. 6. **Nonverbal courses; cocurricular and extracurricular activities.** In
 7.6 predominantly nonverbal subjects, such as art, music, and physical education, American
 7.7 Indian children shall participate fully and on an equal basis with their contemporaries in
 7.8 school classes provided for these subjects. Every school district or participating school
 7.9 shall ensure to children enrolled in American Indian education programs an equal and
 7.10 meaningful opportunity to participate fully with other children in all ~~extracurricular~~
 7.11 cocurricular activities. This subdivision shall not be construed to prohibit instruction in
 7.12 nonverbal subjects or cocurricular or extracurricular activities which relate to the cultural
 7.13 heritage of the American Indian children, or which are otherwise necessary to accomplish
 7.14 the objectives described in sections 124D.71 to 124D.82.

7.15 **EFFECTIVE DATE.** This section is effective July 1, 2010.

7.16 Sec. 10. Minnesota Statutes 2008, section 128C.01, is amended to read:

7.17 **128C.01 FORM, MAKEUP, DELEGATED POWER, BOARD MEMBERS.**

7.18 Subdivision 1. **Voluntary association.** The Minnesota State High School League is
 7.19 a nonprofit corporation that is a voluntary association of ~~high schools~~ local governments.
 7.20 ~~A high school that is a school under section 120A.22, subdivision 4, statutory or home~~
 7.21 ~~rule charter city, county, or town may be a member of the league. The league is made up~~
 7.22 ~~of high schools whose governing boards have delegated their control of extracurricular~~
 7.23 ~~activities, as described in section 123B.49, subdivision 4, to the league. The delegation is~~
 7.24 ~~made when the governing board files a certificate of delegation with the commissioner of~~
 7.25 ~~education. The governing board of a local government that is a member of the league may~~
 7.26 ~~elect to designate geographical subdivisions within the boundaries of the local government~~
 7.27 ~~for purposes of providing multiple opportunities for resident high school age children to~~
 7.28 ~~participate in league-sponsored athletics and fine arts noncurricular activities.~~

7.29 Subd. 2. **Power to ~~delegate to, pay for, league~~ levy, spend money on league**
 7.30 **activities.** ~~The governing board of a high school may delegate its control of extracurricular~~
 7.31 ~~activities to the league. A school board~~ local government may levy an annual tax on all
 7.32 taxable property within its boundaries to pay for league-sponsored athletic and fine arts
 7.33 activities in which the local government participates. A local government may spend any

8.1 funds available to it to provide athletic and fine arts noncurricular activities for high school
 8.2 age residents. A local government also may spend money for, and pay dues to, the league.

8.3 Subd. 3. **League power to control.** Consistent with the State High School League
 8.4 bylaws, the league may control sponsor contests in athletic and fine arts noncurricular
 8.5 activities by and between pupils of the Minnesota high schools that are delegated to it
 8.6 under this section high school age participants residing in counties, cities, and towns
 8.7 that are members of the league.

8.8 Subd. 4. **Membership; board.** (a) Each member local government must select a
 8.9 resident to represent the local government in the league. The selected representative
 8.10 serves at the pleasure of the governing body. The governing body may pay the selected
 8.11 representative per diem and must reimburse the representative for actual and reasonable
 8.12 expenses.

8.13 (b) The league must have a 20-member governing board; appointed as follows:

8.14 (1) the governor must appoint four members according to section 15.0597. Each
 8.15 of the four appointees must be a parent of a high school age child participating in an
 8.16 athletic or fine arts noncurricular activity sponsored by the league at the time of the
 8.17 initial appointment. At least one of them member the governor appoints must be an
 8.18 American Indian, an Asian, a Black, or a Hispanic. The terms, compensation, removal
 8.19 of members, and filling of membership vacancies under this paragraph are governed by
 8.20 section 15.0575. As provided by section 15.0575, a member who is a full-time state
 8.21 employee or full-time employee of a political subdivision of the state may not receive per
 8.22 diem payment for service on the board; and

8.23 (2) The Minnesota Association of Secondary School Principals must appoint two
 8.24 of its members.

8.25 (3) (2) the remaining 14 16 members must be selected according to league bylaws
 8.26 from among the representatives of local governments participating in league-sponsored
 8.27 activities.

8.28 (b) The terms, compensation, removal of members, and the filling of membership
 8.29 vacancies are governed by section 15.0575, except that the four-year terms begin on
 8.30 August 1 and end on July 31. As provided by section 15.0575, members who are full-time
 8.31 state employees or full-time employees of school districts or other political subdivisions
 8.32 of the state may not receive any per diem payment for service on the board.

8.33 Subd. 5. **Facility contracts; leasing.** A member local government may enter into
 8.34 contracts and lease agreements to use school facilities for league purposes.

8.35 Subd. 6. **Cooperation; joint powers.** A local government is strongly encouraged
 8.36 to cooperate with the league and other local government members to provide multiple

9.1 opportunities for resident high school age children to participate in athletic and fine arts
 9.2 noncurricular activities. A local government member of the league may enter into a joint
 9.3 powers agreement for these purposes.

9.4 Subd. 7. **Fees; accounting and distribution.** (a) A local government may charge
 9.5 fees to cover the local government's costs in providing league-supervised athletic and fine
 9.6 arts noncurricular activities. Fee revenues must be accounted for separately from other
 9.7 local government revenues.

9.8 (b) To offset tournament-related expenses that participating local government
 9.9 members incur, the league must adopt a reimbursement formula to disburse to participating
 9.10 local government members the revenue it generates from tournament ticket sales,
 9.11 broadcast fee rights, and other tournament-related income after the league's reasonable
 9.12 administrative costs are deducted.

9.13 **EFFECTIVE DATE.** This section is effective July 1, 2010.

9.14 Sec. 11. Minnesota Statutes 2008, section 128C.02, is amended to read:

9.15 **128C.02 DUTIES, POLICIES, CRITERIA, RULES OF BOARD.**

9.16 Subdivision 1. **Decisions, policies, advisory committees.** The board shall establish
 9.17 and adopt policies, including a policy on corporate sponsorships and contributions and
 9.18 similar agreements, make decisions on behalf of the league, and establish advisory
 9.19 committees necessary to carry out board functions.

9.20 Subd. 2. **Sexual harassment and violence; hazing.** The board of the league shall
 9.21 adopt a policy, rules, penalties, and recommendations addressing sexual harassment and
 9.22 sexual violence and hazing toward and by participants in league activities.

9.23 Subd. 3. **Criteria for conference arrangements.** The board must develop criteria
 9.24 for the league to use when it is asked to arrange for membership in ~~an interscholastic~~
 9.25 ~~conference~~ a competitive region by a league member under section 128C.07. The league
 9.26 must give notice and an opportunity for league members to be heard before adopting the
 9.27 criteria. The criteria must include, at least, the distance to be traveled by the participants
 9.28 representing competing schools ~~local government members~~, the relative ~~enrollments~~
 9.29 number of the schools ~~participants representing a local government~~, and the comparability
 9.30 of ~~extracurricular~~ noncurricular activities ~~in~~ available through the schools ~~a local~~
 9.31 government member.

9.32 Subd. 4. **Rules are APA exempt.** The rules of the league are exempt from chapter
 9.33 14, including section 14.386.

Subd. 5. **Rules for open enrollees.** (a) The league shall adopt league rules and regulations governing the athletic and fine arts participation of ~~pupils attending school in a nonresident district~~ resident high school age children representing a local government under section 124D.03.

(b) Notwithstanding other law or league rule or regulation to the contrary, when a student enrolls in or is readmitted to a recovery-focused high school after successfully completing a licensed program for treatment of alcohol or substance abuse, mental illness, or emotional disturbance, the student is immediately eligible to participate on the same basis as other district students in the league-sponsored activities of the student's resident school district. Nothing in this paragraph prohibits the league or school district from enforcing a league or district penalty resulting from the student violating a league or district rule.

Subd. 6. **Annual report.** The board annually shall prepare a written report containing the information about the league that the commissioner ~~is required to~~ must obtain and review under section 128C.20. The board shall present copies of the report in a timely manner to the ~~education committees of the legislature~~ legislative committees with jurisdiction over local government and local government finance.

Subd. 7. **Women referees.** The league shall adopt league rules and policy requiring, to the extent possible, the equal employment of women as referees for ~~high school fine arts~~ activities and sports contests, from game or local level to tournament level.

~~Subd. 9. **Purchasing.** In purchasing goods and services, the league must follow all laws that apply to school districts under sections 123B.52 and 471.345.~~

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 12. Minnesota Statutes 2008, section 128C.03, is amended to read:

128C.03 PROCEDURES.

The league shall adopt procedures to ensure public notice of all eligibility rules and policies that will afford the opportunity for public hearings on proposed eligibility rules. If requested by 100 or more parents or guardians of ~~students~~ participants representing local governments that are league members, the public hearing must be conducted by an administrative law judge from the Office of Administrative Hearings, by a person hired under contract by the Office of Administrative Hearings, or by an independent hearing officer appointed by the commissioner of education from a list maintained for that purpose. At the conclusion of a hearing requested by 100 or more parents or guardians of ~~students~~ participants representing local governments that are league members, the person

11.1 conducting the hearing shall write a report evaluating the extent to which the league has
 11.2 shown that the proposed rule is needed and reasonable and the legality of the proposed
 11.3 rule. The league shall pay for hearings under this section.

11.4 **EFFECTIVE DATE.** This section is effective July 1, 2010.

11.5 Sec. 13. Minnesota Statutes 2008, section 128C.05, is amended to read:

11.6 **128C.05 TOURNAMENTS, CLASSES OF ATHLETIC COMPETITION.**

11.7 Subdivision 1. **Tournaments.** The Minnesota State High School League shall
 11.8 establish, conduct, and regulate championship ~~high school tournament activities~~ fine arts
 11.9 and athletic tournaments under this chapter.

11.10 Subd. 2. **Classes.** The league shall determine the number of ~~classes in all~~
 11.11 interscholastic opportunities for athletic and fine arts activities under its jurisdiction.

11.12 Subd. 3. **Exemption.** The appropriate regional committee must hear a request
 11.13 for a waiver to allow a nonresident student to participate in another district when that
 11.14 participation affects a school's classification for cocurricular interscholastic athletic
 11.15 activities. The regional committee must review requests for waivers and make timely
 11.16 recommendations to the Minnesota State High School League Board of Directors.

11.17 **EFFECTIVE DATE.** This section is effective July 1, 2010.

11.18 Sec. 14. Minnesota Statutes 2008, section 128C.07, is amended to read:

11.19 **128C.07 ARRANGING ~~INTERSCHOLASTIC~~ INTERREGIONAL**
 11.20 **CONFERENCE MEMBERSHIP.**

11.21 Subdivision 1. **Policy.** (a) The league may establish a policy to guide ~~member high~~
 11.22 ~~schools~~ local government members in forming or altering ~~interscholastic~~ interregional
 11.23 conferences.

11.24 (b) The league, in consultation with the League of Minnesota Cities and the
 11.25 Minnesota Association of Townships, jointly must develop and publish a process for
 11.26 reaching agreements and resolving disputes about interregional conferences, the forming
 11.27 or interpreting of joint powers agreements under section 128C.01, subdivision 7, the
 11.28 transfer of personal property between school districts and local government members
 11.29 under section 471.85 for purposes of providing athletic and fine arts noncurricular
 11.30 activities, or other matters related to providing noncurricular activities under this chapter.

11.31 Subd. 1a. **Request.** A league member ~~high school~~ that is not in a conference
 11.32 may ask the league to arrange membership for the league member in an ~~interscholastic~~
 11.33 interregional conference.

12.1 Subd. 2. **Reason not in conference.** The reason the member is not in a conference
12.2 must be: (1) the conference was dissolved, or (2) the member was involuntarily excluded.

12.3 Subd. 3. **Prerequisite: 180-day good faith effort.** Before asking the league to
12.4 arrange membership, the ~~school~~ local government must make a good faith attempt over at
12.5 least 180 days to join a conference. The 180 days run from the date of the ~~school's~~ local
12.6 government's first written request to join or rejoin a conference.

12.7 Subd. 4. **League deadline: 90 days.** The league must arrange the conference
12.8 membership within 90 days after receiving a timely written request from a league member
12.9 ~~high school~~.

12.10 Subd. 5. **Must use criteria.** The league must follow its criteria in arranging the
12.11 conference membership.

12.12 Subd. 6. **Right to hearing, notice.** (a) The requesting ~~school or a high school~~ local
12.13 government already in the conference that is the subject of the proposed arrangement may
12.14 request a timely public hearing on the proposed arrangement.

12.15 (b) The league must notify the ~~schools~~ local governments mentioned in paragraph
12.16 (a) of the right to a hearing.

12.17 Subd. 7. **Decision is binding.** The league's final decision on a matter of conference
12.18 membership under this section is binding on all of the ~~schools~~ local governments required
12.19 to be notified of the right to a hearing.

12.20 Subd. 8. **Otherwise, conferences are voluntary.** Except to the extent the league
12.21 arranges conference membership under this section, ~~an interscholastic~~ a conference of
12.22 ~~schools~~ local governments participating in activities delegated to the league may be
12.23 formed and changed freely.

12.24 **EFFECTIVE DATE.** This section is effective July 1, 2010.

12.25 Sec. 15. Minnesota Statutes 2008, section 128C.08, is amended to read:

12.26 **128C.08 ASSAULTING A SPORTS OFFICIAL PROHIBITED.**

12.27 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
12.28 have the meaning meanings given in this subdivision.

12.29 (b) "Assault" is (1) an act done with intent to cause fear in another of immediate
12.30 bodily harm or death, or (2) the infliction of or attempt to inflict bodily harm upon another.

12.31 (c) "Sports official" is a person who serves as an umpire, referee, judge, linesperson,
12.32 timer, scorekeeper, or in another similar capacity for ~~an interscholastic~~ a league-sponsored
12.33 athletic activity.

~~"Interscholastic athletic activity" or "activity" means an interscholastic athletic activity whose control, supervision, and regulation have been delegated to the Minnesota State High School League pursuant to section 128C.01.~~

Subd. 2. **Prohibited conduct.** Any person who assaults a sports official in connection with ~~an interscholastic~~ a league-sponsored athletic activity may be excluded from attending an activity for up to 12 months.

Subd. 3. **Sanction.** The board of directors of the Minnesota State High School League or a ~~school board~~ local government may exclude any person except as provided in subdivision 5.

The board of directors of the Minnesota State High School League may exclude a person from:

- (1) any activity of the kind in connection with which the assault occurred; or
- (2) all ~~interscholastic~~ league-sponsored athletic activities.

A ~~school board~~ local government may exclude a person from any league-sponsored activity ~~sponsored or participated in by the school district in which the local government participates.~~

Subd. 4. **Procedure.** The board of directors of the Minnesota State High School League or a ~~school board~~ local government may exclude a person from any ~~interscholastic~~ athletic activity if the person assaulted a sports official in connection with an activity. A person alleged to have assaulted a sports official shall be entitled to an informal hearing on the matter by the board of directors of the Minnesota State High School League or ~~school board~~ local government. Upon finding that the person assaulted a sports official, the board of directors of the Minnesota State High School League or ~~school~~ governing board of the local government shall notify the individual in writing and shall indicate any activity from which, and the period of time for which, the person is excluded.

Subd. 5. **Head varsity coach.** A head varsity coach may be excluded under this section only by the ~~school~~ governing board employing the coach.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 16. Minnesota Statutes 2008, section 275.70, subdivision 5, is amended to read:

Subd. 5. **Special levies.** "Special levies" means those portions of ad valorem taxes levied by a local governmental unit for the following purposes or in the following manner:

- (1) to pay the costs of the principal and interest on bonded indebtedness or to reimburse for the amount of liquor store revenues used to pay the principal and interest due on municipal liquor store bonds in the year preceding the year for which the levy limit is calculated;

- 14.1 (2) to pay the costs of principal and interest on certificates of indebtedness issued for
14.2 any corporate purpose except for the following:
- 14.3 (i) tax anticipation or aid anticipation certificates of indebtedness;
- 14.4 (ii) certificates of indebtedness issued under sections 298.28 and 298.282;
- 14.5 (iii) certificates of indebtedness used to fund current expenses or to pay the costs of
14.6 extraordinary expenditures that result from a public emergency; or
- 14.7 (iv) certificates of indebtedness used to fund an insufficiency in tax receipts or
14.8 an insufficiency in other revenue sources;
- 14.9 (3) to provide for the bonded indebtedness portion of payments made to another
14.10 political subdivision of the state of Minnesota;
- 14.11 (4) to fund payments made to the Minnesota State Armory Building Commission
14.12 under section 193.145, subdivision 2, to retire the principal and interest on armory
14.13 construction bonds;
- 14.14 (5) property taxes approved by voters which are levied against the referendum
14.15 market value as provided under section 275.61;
- 14.16 (6) to fund matching requirements needed to qualify for federal or state grants or
14.17 programs to the extent that either (i) the matching requirement exceeds the matching
14.18 requirement in calendar year 2001, or (ii) it is a new matching requirement that did not
14.19 exist prior to 2002;
- 14.20 (7) to pay the expenses reasonably and necessarily incurred in preparing for or
14.21 repairing the effects of natural disaster including the occurrence or threat of widespread
14.22 or severe damage, injury, or loss of life or property resulting from natural causes, in
14.23 accordance with standards formulated by the Emergency Services Division of the state
14.24 Department of Public Safety, as allowed by the commissioner of revenue under section
14.25 275.74, subdivision 2;
- 14.26 (8) pay amounts required to correct an error in the levy certified to the county
14.27 auditor by a city or county in a levy year, but only to the extent that when added to the
14.28 preceding year's levy it is not in excess of an applicable statutory, special law or charter
14.29 limitation, or the limitation imposed on the governmental subdivision by sections 275.70
14.30 to 275.74 in the preceding levy year;
- 14.31 (9) to pay an abatement under section 469.1815;
- 14.32 (10) to pay any costs attributable to increases in the employer contribution rates
14.33 under chapter 353, or locally administered pension plans, that are effective after June
14.34 30, 2001;
- 14.35 (11) to pay the operating or maintenance costs of a county jail as authorized in
14.36 section 641.01 or 641.262, or of a correctional facility as defined in section 241.021,

15.1 subdivision 1, paragraph (f), to the extent that the county can demonstrate to the
15.2 commissioner of revenue that the amount has been included in the county budget as
15.3 a direct result of a rule, minimum requirement, minimum standard, or directive of the
15.4 Department of Corrections, or to pay the operating or maintenance costs of a regional jail
15.5 as authorized in section 641.262. For purposes of this clause, a district court order is
15.6 not a rule, minimum requirement, minimum standard, or directive of the Department of
15.7 Corrections. If the county utilizes this special levy, except to pay operating or maintenance
15.8 costs of a new regional jail facility under sections 641.262 to 641.264 which will not
15.9 replace an existing jail facility, any amount levied by the county in the previous levy year
15.10 for the purposes specified under this clause and included in the county's previous year's
15.11 levy limitation computed under section 275.71, shall be deducted from the levy limit
15.12 base under section 275.71, subdivision 2, when determining the county's current year
15.13 levy limitation. The county shall provide the necessary information to the commissioner
15.14 of revenue for making this determination;

15.15 (12) to pay for operation of a lake improvement district, as authorized under section
15.16 103B.555. If the county utilizes this special levy, any amount levied by the county in the
15.17 previous levy year for the purposes specified under this clause and included in the county's
15.18 previous year's levy limitation computed under section 275.71 shall be deducted from
15.19 the levy limit base under section 275.71, subdivision 2, when determining the county's
15.20 current year levy limitation. The county shall provide the necessary information to the
15.21 commissioner of revenue for making this determination;

15.22 (13) to repay a state or federal loan used to fund the direct or indirect required
15.23 spending by the local government due to a state or federal transportation project or other
15.24 state or federal capital project. This authority may only be used if the project is not a
15.25 local government initiative;

15.26 (14) to pay for court administration costs as required under section 273.1398,
15.27 subdivision 4b, less the (i) county's share of transferred fines and fees collected by the
15.28 district courts in the county for calendar year 2001 and (ii) the aid amount certified to be
15.29 paid to the county in 2004 under section 273.1398, subdivision 4c; however, for taxes
15.30 levied to pay for these costs in the year in which the court financing is transferred to the
15.31 state, the amount under this clause is limited to the amount of aid the county is certified to
15.32 receive under section 273.1398, subdivision 4a;

15.33 (15) to fund a police or firefighters relief association as required under section 69.77
15.34 to the extent that the required amount exceeds the amount levied for this purpose in 2001;

15.35 (16) for purposes of a storm sewer improvement district under section 444.20;

(17) to pay for the maintenance and support of a city or county society for the prevention of cruelty to animals under section 343.11. If the city or county uses this special levy, any amount levied by the city or county in the previous levy year for the purposes specified in this clause and included in the city's or county's previous year's levy limit computed under section 275.71, must be deducted from the levy limit base under section 275.71, subdivision 2, in determining the city's or county's current year levy limit;

(18) for counties, to pay for the increase in their share of health and human service costs caused by reductions in federal health and human services grants effective after September 30, 2007;

(19) for a city, for the costs reasonably and necessarily incurred for securing, maintaining, or demolishing foreclosed or abandoned residential properties, as allowed by the commissioner of revenue under section 275.74, subdivision 2. A city must have either (i) a foreclosure rate of at least 1.4 percent in 2007, or (ii) a foreclosure rate in 2007 in the city or in a zip code area of the city that is at least 50 percent higher than the average foreclosure rate in the metropolitan area, as defined in section 473.121, subdivision 2, to use this special levy. For purposes of this paragraph, "foreclosure rate" means the number of foreclosures, as indicated by sheriff sales records, divided by the number of households in the city in 2007;

(20) for a city, for the unreimbursed costs of redeployed traffic control agents and lost traffic citation revenue due to the collapse of the Interstate 35W bridge, as certified to the Federal Highway Administration;

(21) to pay costs attributable to wages and benefits for sheriff, police, and fire personnel. If a local governmental unit did not use this special levy in the previous year its levy limit base under section 275.71 shall be reduced by the amount equal to the amount it levied for the purposes specified in this clause in the previous year; ~~and~~

(22) an amount equal to any reductions in the certified aids or credits payable under sections 477A.011 to 477A.014, and section 273.1384, due to unallotment under section 16A.152. The amount of the levy allowed under this clause is equal to the amount unallotted in the calendar year in which the tax is levied unless the unallotment amount is not known by September 1 of the levy year, in which case the unallotment amount may be levied in the following year; and

(23) to fund noncurricular activities for high school age students under section 128C.01, subdivision 2.

EFFECTIVE DATE. This section is effective for taxes levied in 2010, payable in 2011, and thereafter in any year in which levy limits are imposed.

17.1 Sec. 17. **REVISOR'S INSTRUCTION.**

17.2 In the next editions of Minnesota Statutes and Minnesota Rules, the revisor shall
17.3 substitute the name "Minnesota Youth Fine Arts and Athletic League" for "Minnesota State
17.4 High School League" whenever the name appears in Minnesota Statutes and Minnesota
17.5 Rules in connection with the entity regulated under Minnesota Statutes, chapter 128C.

17.6 Sec. 18. **REPEALER.**

17.7 Minnesota Statutes 2008, section 124D.095, subdivision 5, is repealed July 1, 2010.

APPENDIX
Repealed Minnesota Statutes: 09-1770

124D.095 ONLINE LEARNING OPTION.

Subd. 5. **Participation in extracurricular activities.** An online learning student may participate in the extracurricular activities of the enrolling district on the same basis as other enrolled students.