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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **806**

February 16, 2009

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

1.1 A bill for an act
1.2 relating to education; authorizing charter schools to lease or purchase district
1.3 buildings; authorizing use of state money to purchase land and buildings;
1.4 amending Minnesota Statutes 2008, sections 123B.51, subdivision 5; 124D.10,
1.5 subdivision 17; 124D.11, subdivision 7.

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

1.7 Section 1. Minnesota Statutes 2008, section 123B.51, subdivision 5, is amended to read:

1.8 Subd. 5. **Schoolhouse closing.** (a) The board may close a schoolhouse only after a
1.9 public hearing on the question of the necessity and practicability of the proposed closing.
1.10 Published notice of the hearing shall be given for two weeks in the official newspaper
1.11 of the district. The time and place of the meeting, the description and location of the
1.12 schoolhouse, and a statement of the reasons for the closing must be specified in the notice.
1.13 Parties requesting to give testimony for and against the proposal shall be heard by the
1.14 board before it makes a final decision to close or not to close the schoolhouse.

1.15 (b) Notwithstanding any law to the contrary, a school board, intermediate school
1.16 district school board, or education district organized under sections 123A.15 to 123A.19,
1.17 must first offer school district buildings that are for sale to charter schools to purchase
1.18 before offering the buildings to other entities for purchase. The school board, intermediate
1.19 school district school board, and education district may refuse a charter school's offer if it
1.20 is not a competitive offer.

1.21 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to the sale
1.22 of buildings beginning on or after that date.

1.23 Sec. 2. Minnesota Statutes 2008, section 124D.10, subdivision 17, is amended to read:

2.1 Subd. 17. **Leased space.** A charter school may lease space from a board eligible
2.2 to be a sponsor or other public or private nonprofit nonsectarian organization. A
2.3 school board, intermediate school district school board, or education district organized
2.4 under sections 123A.15 to 123A.19, must first offer school district buildings that are
2.5 unoccupied to charter schools to lease before offering the space to other entities for lease.
2.6 Notwithstanding any law to the contrary, the school board, intermediate school district
2.7 school board, and education district may refuse a charter school's offer if it is not a
2.8 competitive offer in the leasing market. If a charter school is unable to lease appropriate
2.9 space from an eligible board or other public or private nonprofit nonsectarian organization,
2.10 the school may lease space from another nonsectarian organization if the Department of
2.11 Education, in consultation with the Department of Administration, approves the lease.
2.12 If the school is unable to lease appropriate space from public or private nonsectarian
2.13 organizations, the school may lease space from a sectarian organization if the leased space
2.14 is constructed as a school facility and the Department of Education, in consultation with
2.15 the Department of Administration, approves the lease.

2.16 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to leases
2.17 offered on or after that date.

2.18 Sec. 3. Minnesota Statutes 2008, section 124D.11, subdivision 7, is amended to read:

2.19 Subd. 7. **Use of ~~state~~ money.** Money received from the state may ~~not~~ be used to
2.20 purchase land or buildings. The school may own land and buildings ~~if~~ obtained through
2.21 nonstate sources.

2.22 **EFFECTIVE DATE.** This section is effective July 1, 2009.