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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-SEVENTH  
SESSION**

**HOUSE FILE No. 1078**

March 14, 2011

Authored by Garofalo

The bill was read for the first time and referred to the Committee on Education Finance

1.1 A bill for an act  
1.2 relating to education finance; changing the status of th Perpich Center for Arts  
1.3 Education from a state agency to a charter school; amending Minnesota Statutes  
1.4 2010, section 122A.416; proposing coding for new law in Minnesota Statutes,  
1.5 chapter 124D; repealing Minnesota Statutes 2010, sections 129C.10, subdivisions  
1.6 1, 2, 3, 3a, 4, 6, 7, 8; 129C.105; 129C.15; 129C.20; 129C.25; 129C.26.

1.7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.8 Section 1. Minnesota Statutes 2010, section 122A.416, is amended to read:

1.9 **122A.416 ALTERNATIVE TEACHER COMPENSATION REVENUE**  
1.10 **FOR ~~PERPICH CENTER FOR ARTS EDUCATION AND~~ MULTIDISTRICT**  
1.11 **INTEGRATION COLLABORATIVES.**

1.12 Notwithstanding sections 122A.413, 122A.414, 122A.415, and 126C.10,  
1.13 multidistrict integration collaboratives ~~and the Perpich Center for Arts Education~~ are  
1.14 eligible to receive alternative teacher compensation revenue as if they were intermediate  
1.15 school districts. To qualify for alternative teacher compensation revenue, a multidistrict  
1.16 integration collaborative ~~or the Perpich Center for Arts Education~~ must meet all of the  
1.17 requirements of sections 122A.413, 122A.414, and 122A.415 that apply to intermediate  
1.18 school districts, must report its enrollment as of October 1 of each year to the department,  
1.19 and must annually report its expenditures for the alternative teacher professional pay  
1.20 system consistent with the uniform financial accounting and reporting standards to the  
1.21 department by November 30 of each year.

1.22 **EFFECTIVE DATE.** This section is effective July 1, 2011.

1.23 **Sec. 2. [124D.101] PERPICH CENTER FOR ARTS EDUCATION.**

2.1 Subdivision 1. **Charter school established.** The Perpich Center for Arts Education  
2.2 may organize as a charter school consistent with section 124D.10.

2.3 Subd. 2. **Sponsor.** (a) Consistent with section 124D.10, subdivision 3, in order to  
2.4 organize as a charter school, the Perpich Center for Arts Education must attempt to find  
2.5 at least one qualified charter school authorizer that will authorize and serve as a charter  
2.6 school authorizer for the Perpich Center for Arts Education charter school.

2.7 (b) If a qualified authorizer cannot be found, the Department of Education shall  
2.8 authorize the Perpich Center for Arts Education charter school. If a qualified authorizer  
2.9 is later found, the Department of Education may transfer authorization to the qualified  
2.10 authorizer under section 124D.10.

2.11 Subd. 3. **State aid.** The Perpich Center for Arts Education charter school is eligible  
2.12 for state charter school aid, including aid for start-up and operating costs, as provided  
2.13 in section 124D.11.

2.14 **EFFECTIVE DATE.** This section is effective July 1, 2011.

2.15 Sec. 3. **DISSOLUTION OF PERPICH CENTER FOR ARTS EDUCATION.**

2.16 (a) The Perpich Center for Arts Education is dissolved as a state agency.

2.17 (b) Official state records held at the Perpich Center for Arts Education shall be  
2.18 transferred to the Department of Education.

2.19 (c) Oversight of the facility occupied by the Perpich Center for Arts Education  
2.20 shall be transferred to the Department of Administration. If the Perpich Center for Arts  
2.21 Education organizes as a charter school under Minnesota Statutes, section 124D.10, the  
2.22 charter school shall have the right of first refusal to lease the building from the state.

2.23 **EFFECTIVE DATE.** This section is effective July 1, 2012.

2.24 Sec. 4. **APPROPRIATIONS; PERPICH CENTER FOR ARTS EDUCATION.**

2.25 The sums in this section are appropriated from the general fund to the Perpich  
2.26 Center for Arts Education for the fiscal years designated:

2.27 \$           .....   ..... 2012

2.28 \$           .....   ..... 2013

2.29 After the conclusion of the 2010-2011 school year, the fiscal year 2012 appropriation  
2.30 is available for immediate transfer to the Department of Administration or Minnesota  
2.31 Management and Budget in order to administer severance payments and oversee the  
2.32 closing of the Perpich Center for Arts Education as a state agency.

3.1       Sec. 5. **REPEALER.**

3.2               Minnesota Statutes 2010, sections 129C.10, subdivisions 1, 2, 3, 3a, 4, 6, 7, and 8;  
3.3       129C.105; 129C.15; 129C.20; 129C.25; and 129C.26, are repealed.

**129C.10 PERPICH CENTER FOR ARTS EDUCATION.**

Subdivision 1. **Governance.** The board of the Perpich Center for Arts Education shall consist of 15 persons. The members of the board shall be appointed by the governor with the advice and consent of the senate. At least one member must be appointed from each congressional district.

Subd. 2. **Terms, compensation, and other.** The membership terms, compensation, removal of members, and filling of vacancies shall be as provided for in section 15.0575. A member may serve not more than two consecutive terms.

Subd. 3. **Powers and duties of board.** (a) The board has the powers necessary for the care, management, and control of the Perpich Center for Arts Education and all its real and personal property. The powers shall include, but are not limited to, those listed in this subdivision.

(b) The board may employ and discharge necessary employees, and contract for other services to ensure the efficient operation of the Center for Arts Education.

(c) The board may receive and award grants. The board may establish a charitable foundation and accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes and hold, manage, invest, and dispose of them and the proceeds and income of them according to the terms and conditions of the gift, grant, bequest, or devise and its acceptance. The board must adopt internal procedures to administer and monitor aids and grants.

(d) The board may establish or coordinate evening, continuing education, extension, and summer programs for teachers and pupils.

(e) The board may identify pupils who have artistic talent, either demonstrated or potential, in dance, literary arts, media arts, music, theater, and visual arts, or in more than one art form.

(f) The board must educate pupils with artistic talent by providing:

(1) an interdisciplinary academic and arts program for pupils in the 11th and 12th grades. The total number of pupils accepted under this clause and clause (2) shall not exceed 310;

(2) additional instruction to pupils for a 13th grade. Pupils eligible for this instruction are those enrolled in 12th grade who need extra instruction and who apply to the board, or pupils enrolled in the 12th grade who do not meet learner outcomes established by the board;

(3) intensive arts seminars for one or two weeks for pupils in grades 9 to 12;

(4) summer arts institutes for pupils in grades 9 to 12;

(5) artist mentor and extension programs in regional sites; and

(6) teacher education programs for indirect curriculum delivery.

(g) The board may determine the location for the Perpich Center for Arts Education and any additional facilities related to the center, including the authority to lease a temporary facility.

(h) The board must plan for the enrollment of pupils on an equal basis from each congressional district.

(i) The board may establish task forces as needed to advise the board on policies and issues. The task forces expire as provided in section 15.059, subdivision 6.

(j) The board may request the commissioner of education for assistance and services.

(k) The board may enter into contracts with other public and private agencies and institutions for residential and building maintenance services if it determines that these services could be provided more efficiently and less expensively by a contractor than by the board itself. The board may also enter into contracts with public or private agencies and institutions, school districts or combinations of school districts, or service cooperatives to provide supplemental educational instruction and services.

(l) The board may provide or contract for services and programs by and for the Center for Arts Education, including a store, operating in connection with the center; theatrical events; and other programs and services that, in the determination of the board, serve the purposes of the center.

(m) The board may provide for transportation of pupils to and from the Center for Arts Education for all or part of the school year, as the board considers advisable and subject to its rules. Notwithstanding any other law to the contrary, the board may charge a reasonable fee for transportation of pupils. Every driver providing transportation of pupils under this paragraph must possess all qualifications required by the commissioner of education. The board may contract for furnishing authorized transportation under rules established by the commissioner of education and may purchase and furnish gasoline to a contract carrier for use in the performance of a contract with the board for transportation of pupils to and from the Center for Arts Education. When transportation is provided, scheduling of routes, establishment of the location of bus stops, the manner and method of transportation, the control and discipline of pupils, and any other related matter is within the sole discretion, control, and management of the board.

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(n) The board may provide room and board for its pupils. If the board provides room and board, it shall charge a reasonable fee for the room and board. The fee is not subject to chapter 14 and is not a prohibited fee according to sections 123B.34 to 123B.39.

(o) The board may establish and set fees for services and programs. If the board sets fees not authorized or prohibited by the Minnesota public school fee law, it may do so without complying with the requirements of section 123B.38.

(p) The board may apply for all competitive grants administered by agencies of the state and other government or nongovernment sources.

**Subd. 3a. Center account.** A center for arts education account is established in the special revenue fund in the state treasury. All money collected by the board, including rental income, must be deposited in the account. Money in the account, including interest earned, is appropriated to the board for the operation of its services and programs.

**Subd. 4. Employees.** (a)(1) The board must appoint a director of the Center for Arts Education who shall serve in the unclassified service.

(2) The board must employ, upon recommendation of the director, a coordinator of resource programs who shall serve in the unclassified service.

(3) The board must employ, upon recommendation of the director, up to six department chairs who shall serve in the unclassified service. The chairs shall be licensed teachers unless no licensure exists for the subject area or discipline for which the chair is hired.

(4) The board may employ other necessary employees, upon recommendation of the director.

(5) The board must employ, upon recommendation of the director, an executive secretary for the director, who shall serve in the unclassified service.

(b) The employees hired under this subdivision and other necessary employees hired by the board shall be state employees in the executive branch.

**Subd. 6. Public postsecondary institutions; providing space.** Public postsecondary institutions must provide space for programs offered by the Perpich Center for Arts Education at no cost or reasonable cost to the center to the extent that space is available at the public postsecondary institutions.

**Subd. 7. Purchasing instructional items.** Technical educational equipment may be procured for programs of the Perpich Center for Arts Education by the board either by brand designation or in accordance with standards and specifications the board may adopt, notwithstanding chapters 16B and 16C.

**Subd. 8. Exemption to September 1 school start restriction.** Notwithstanding section 120A.40, the Perpich Center for Arts Education may begin the school year any day prior to September 1.

**129C.105 BOARD MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.**

(a) Notwithstanding section 13D.01 and if complying with section 13D.02 is impractical, the Board of the Perpich Center for Arts Education may conduct a meeting of its members by telephone or other electronic means when:

(1) all members of the board participating in the meeting, wherever the members' physical locations, can hear one another and all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear all discussion and testimony and all votes of members of the board;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented marginal costs that the board incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that

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some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

**129C.15 RESOURCE, MAGNET, AND OUTREACH PROGRAMS.**

Subdivision 1. **Resource and outreach.** The center must offer resource and outreach programs and services statewide aimed at the enhancement of arts education opportunities for pupils in elementary and secondary school. The programs and services must include:

- (1) developing and demonstrating exemplary curriculum, instructional practices, and assessment;
- (2) disseminating information; and
- (3) providing programs for pupils and teachers that develop technical and creative skills in art forms that are underrepresented and in geographic regions that are underserved.

Subd. 2. **Magnet programs.** The center must identify at least one school district in each congressional district with interest and the potential to offer magnet arts programs using the curriculum developed by the Perpich Center for Arts Education.

Subd. 3. **Center responsibilities.** The center must:

- (1) provide information and technical services to arts teachers, professional arts organizations, school districts, and the Department of Education;
- (2) gather and conduct research in arts education;
- (3) design and promote arts education opportunities for all Minnesota pupils in elementary and secondary schools; and
- (4) serve as liaison for the Department of Education to national organizations for arts education.

**129C.20 MATERIALS, TRAINING, AND ASSISTANCE.**

The Perpich Center for Arts Education, in cooperation with the Minnesota Alliance for Arts in Education and the Minnesota State Arts Board must provide materials, training, and assistance to the arts education committees in the school districts. The center may contract with the Minnesota Alliance for Arts in Education for its involvement in providing services, including staff assistance, to the program.

**129C.25 COMPREHENSIVE ARTS PLANNING PROGRAM.**

The Perpich Center for Arts Education shall prescribe the form and manner of application by one or more districts to be designated as a site to participate in the comprehensive arts planning program. Up to 30 sites may be selected. The center shall designate sites in consultation with the Minnesota Alliance for Arts in Education and the Minnesota State Arts Board.

**129C.26 COMPREHENSIVE ARTS PLANNING PROGRAM SITES.**

Subdivision 1. **Funding.** Each site shall receive \$1,250 each year for two years. If fewer than 30 sites are selected, each site shall receive an additional proportionate share of money appropriated and not used. Before receiving money for the second year, a long-range plan for arts education must be submitted to the Perpich Center for Arts Education.

Subd. 2. **Criteria.** The center, in consultation with the Comprehensive Arts Planning Program State Steering Committee, must establish criteria for site selection. Criteria shall include at least the following:

- (1) a willingness by the district or group of districts to designate a program chair for comprehensive arts planning with sufficient authority to implement the program;
- (2) a willingness by the district or group of districts to create a committee comprised of school district and community people whose function is to promote comprehensive arts education in the district;
- (3) commitment on the part of committee members to participate in training offered by the Department of Education;
- (4) a commitment of the committee to conduct a needs assessment of arts education;
- (5) commitment by the committee to evaluate its involvement in the program;
- (6) a willingness by the district to adopt a long-range plan for arts education in the district; and
- (7) location of the district or group of districts to assure representation of urban, suburban, and rural districts and distribution of sites throughout the state.

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Subd. 3. **Program accounts.** A district receiving funds must maintain a separate account for the receipt and disbursement of all funds relating to the program. The funds must be spent only for the purpose of arts education programs, including teacher release time.

Subd. 4. **Additional funding.** A district receiving funds may receive funds for the program from private sources and from other governmental agencies, including any state or federal funds available for arts education.