



Minnesota State Colleges and Universities System Procedures Chapter 3 – Educational Policies

Procedures 3.28.1 Charter School Authorizers

Part 1. Authority. Board Policy 3.28, Charter School Authorizers, delegates to the Chancellor authority to promulgate procedures, guidelines and processes regarding planning and decisions by colleges and universities to authorize charter schools.

Part 2. Definitions.

Subpart A. Charter school. A charter school is a public school established under Minnesota Statutes §124D.10 as either a cooperative or a non-profit corporation. Charter schools and their authorizers are subject to the requirements in Minnesota Statutes §124D.10.

Subpart B. Charter school board. A charter school board is the elected board of directors responsible for the school's education program, management and administration, in accordance with Minnesota Statutes §124D.10.

Subpart C. Authorizer. For purposes of this procedure, authorizer means a system college or university, authorized under Minnesota Statutes §124D.10, subdivision 3, and Board Policy 3.28, and System Procedures 3.28.1 to serve as an authorizer of a charter school, and approved as an authorizer by the commissioner of the Minnesota Department of Education (MDE).

Part 3. Scope/Applicability. This procedure applies to any system college or university that authorizes or proposes to authorize a charter school.

Part 4. Authorizer Proposal.

Subpart A. Notice of intent to authorize a charter school. At least 21 days prior to submitting to MDE an application for approval as an authorizer, a system college or university shall submit to the Chancellor a written proposal describing how serving as a charter school authorizer is consistent with the mission of the college or university. The college or university shall include an estimate of the costs associated with being an authorizer, including staff time to provide appropriate oversight and costs of required program evaluations, and shall provide a statement identifying the source of funds to be used to meet the authorizing institution's expenses.

Subpart B. Authorizer prerequisites. Before entering into a contract as an authorizer, a college or university shall require that the charter school board has completed:

1. By-laws and policies setting forth the charter school board's membership, committee structure, and delineation of roles and responsibilities of board and staff;

2. Conflict of interest disclosure statements signed by each member of the board;
3. Financial contracts and other documents needed to secure facilities and land, approved by MDE.
4. Written policies requiring legal and actual separation of the charter school board from any entity providing land or facilities to the charter school;
5. Policies and procedures governing payroll, employment tax, and pension processing; hiring; promotion; compliance with affirmative action and equal opportunity requirements; harassment and discrimination issues; and any contracts for services or employees needed to provide such human resource services; and
6. Position descriptions that have been reviewed by an external human resources or employment agent for all members of the charter school, staff, teachers, and administrators.

Part 5. Authorizer Responsibilities.

Subpart A. Charter school contracts. A contract between an authorizer and the charter school board must comply with the provisions of Minnesota Statutes §124D.10. In addition, the contract must:

1. Require that the charter school board:
 - a. Provide annually to the authorizer a certified financial audit, no later than 180 days following the close of the charter school's fiscal year;
 - b. Consult with the authorizer concerning the selection of the independent audit firm hired to complete the charter school's financial audit;
 - c. Provide annually to the authorizer evidence sufficient to demonstrate that the charter school board is meeting the provisions of its contract;
 - d. Ensure that the Legislative Auditor and the system office have complete access to all records related to the contract; and
 - e. Include as a non-voting, ex officio board member the college or university representative who is the primary administrative contact for at least the first year of the charter school's operation; and
2. Include all statutorily required provisions, and:
 - a. Contain clear and measurable goals, consistent with the charter school's proposal and all legal and MDE administrative requirements, addressing both academic performance and financial and management operations;
 - b. Address the process by which the charter school will conduct its audit, including how it will measure both academic and financial performance and how it will include students and parents, teachers, board members and other school personnel in the collection of relevant data; and
 - c. Identify dates and timelines for the submission of reports and other relevant data by the charter school board, including its annual fiscal audit.

Subpart B. College or university representative. The authorizing institution shall designate a college or university administrator who shall have primary responsibility for oversight of the charter school contract.

Subpart C. Annual authorizer report. An authorizer shall submit annually to the Chancellor a copy of the annual report that must be submitted to MDE. The report shall include:

1. Data on student enrollments, including grades served;
2. A report on the academic progress of students in the school according to the standards set by MDE and/or in statute;
3. A summary of the most recently completed independent audit report;
4. The membership of the charter school board; and
5. Any other data required by MDE or statute.

Subpart D. Evaluation. An authorizer shall measure annually the performance of a charter school relative to goals approved by the charter school board. An authorizer also shall assess annually the fiscal integrity of a charter school according to the standards established by the charter school board, MDE and generally accepted accounting principles.

Part 6. Termination or Nonrenewal of Charter School Contract. An authorizer may terminate or not renew its contract with a charter school board in accordance with Minnesota Statutes section 124D.10 and Board Policy 3.28. Before terminating or not renewing the contract, the authorizer shall inform the Chancellor of its intent to terminate or not renew.

Approval Date: 06/06/02,
Effective Date: 05/22/02,

Date and Subject of Revision:

- 1/25/12 - The Chancellor amends all current system procedures effective February 15, 2012, to change the term "Office of the Chancellor" to "system office" or similar term reflecting the grammatical context of the sentence.*
- 5/16/11 - Technical changes throughout, and changes "sponsor" to "authorize" to reflect language changes in Minnesota Statutes §124D.10*