**McGee State Statutes Section 125.001-125.010 (“The McGee Charter Schools Act”)**

**Section 125.001**

The purpose of the McGee Charter Schools Act is to authorize a system of charter schools to provide opportunities for teachers, parents, students, and community members to establish, maintain, and attend schools which operate independently of existing schools, as a method to accomplish all of the following:

(a) Improve student learning in McGee;

(b) Increase educational opportunities for students;

(c) Encourage the development and use of different and innovative methods and models for the education and personal development of McGee’s children;

(d) Provide a range of academic choices and choice of learning environments for parents and students; and

(e) Create new and diverse professional opportunities for teachers and administrators including the opportunity to be responsible for the learning program and student development.

**Section 125.002**

Subd. 1. The McGee Charter Schools Act shall apply only to charter schools formed and operated under the provisions of the Act.

Subd. 2. For purposes of the McGee Charter Schools Act, “charter school” means a public school established by contract (charter) with a board of education of a school district, a higher education institution, a federally recognized Indian tribe, or the State Board of Education pursuant to the McGee Charter Schools Act.

**Section 125.003**

Each charter school must be sponsored by an entity described in section 125.004 and must be operated by the non-profit corporation which submitted the application for sponsorship of the charter school. The sponsor has no responsibility for operation of the charter school. Operation of the school shall be the sole responsibility of its non-profit operator. The school must be operated in accordance with its charter. Upon approval of the school’s charter, the sponsor retains the oversight duties described in section 125.006, subd. 4, but retains no other duties over operation of the school.

**Section 125.004**

Subd. 1. A charter school shall be sponsored only as follows:

(a) By any school district located in the State of McGee, provided such charter school shall only be located within the geographical boundaries of the sponsoring district;

(b) By an institution that is a member of the McGee State System of Higher Education provided that the charter school is located in a school district that has been identified as in need of improvement by the State Board of Education;

(c) By the State Board of Education provided that the charter school is located in a school district that has been identified as in need of improvement by the State Board of Education and that no higher-education institution already operates a charter school in the district under subdivision 1(b) of this section;

(d) By a federally recognized Indian tribe which operates a high school under the authority of the federal Bureau of Indian Affairs, provided the school’s charter application provides that the school will be operated for the purpose of native language immersion instruction.

Subd. 2. A sponsor shall give priority to opening charter schools that serve identified at-risk student populations or which will provide a method or mode of instruction or instructional programs that differ significantly from those of any public school operated by a school district within the geographical boundaries of the school district in which the charter school will operate.

**Section 125.005**

Subd. 1. Any non-profit corporation may apply to establish a charter school. An applicant seeking to establish a charter school shall submit a written application to the proposed sponsor of the charter school.

Subd. 2. The sponsor of a charter school is the board of education of a school district, the board of a higher education institution, the State Board of Education, or a federally recognized Indian tribe, as provided in section 125.004, subd. 1. The physical location of a charter school sponsored by a board of education of a school district shall be within the boundaries of the sponsoring school district. The physical location of a charter school sponsored by a board of a higher education institution or by the State Board of Education shall be within the school district in need of improvement identified in the charter school application.

Subd. 3. An applicant seeking to operate a charter school may submit an application to a proposed sponsor which shall either accept or reject sponsorship of the charter school within one hundred eighty (180) days of receipt of the application.

Subd. 4. A board of education of a school district, higher education institution, or federally recognized Indian tribe sponsor of a charter school shall notify the State Board of Education when it accepts sponsorship of a charter school. The notification shall include a copy of the charter of the charter school.

**Section 125.006**

Subd. 1. The sponsor of a charter school shall enter into a written contract (charter) with the organization that will operate the charter school and which submitted the application to operate that particular charter school.

Subd. 2. The contract shall establish the charter for the school which must contain, but need not be limited to, the following provisions:

(a) A description of the educational programs to be offered by the school which complies with the purposes outlined in Section 125.001 of this Act, as well as a description of any extra-curricular programs the school intends to offer, if any;

(b) Admission policies and procedures;

(c) A general description of the management and administration structure of the charter school, including identifying the initial members of the charter school’s board of directors and how subsequent boards of directors will be elected;

(d) Requirements and procedures for financial audits;

(e) Assumption of liability by the charter school;

(f) The term of the charter;

(g) A description of the high standards of expectation and rigor for the charter school;

(h) Policies that require that the charter school be free and open to all students eligible to be instructed at that school, in the manner of a traditional public school;

(i) Policies that require, if more students apply than the school has the capacity to accommodate, prospective students be admitted only by lottery to ensure fairness;

(j) Policies that require the charter school to be subject to at least the same academic standards as existing public schools; and

(k) A description of the procedures by which the charter school will comply with student body reporting requirements to receive funding in accordance with statutory requirements and guidelines for existing public schools.

Subd. 3. The power and duty to operate the charter school shall be solely the responsibility of the organization operating the school within the parameters of the charter with the sponsor. This duty shall be implemented by the charter school’s board of directors as stated in the organization’s charter with the charter school’s sponsor.

Subd. 4. Though the sponsor of a charter school has no power or duty to operate the charter school, the sponsor shall have the duties to:

(a) Provide oversight of the operations of the charter schools it sponsors through annual performance reviews of its charter schools;

(b) Monitor, in accordance with charter contract terms, the performance and legal compliance of charter schools; and

(c) Determine whether each charter contract merits renewal, nonrenewal, or revocation.

**Section 125.007**

Subd. 1. A charter school’s hiring process and employment contract with a teacher or other employee shall comply with the personnel policies of the charter school as identified in the school’s charter or as promulgated by the charter school’s governing board, provided the promulgated policies are consistent with the charter. Policies of the charter school governed by this section include policies related to eligibility for hire, professional certification, professional development, evaluation, suspension, dismissal, and leave. The employment contract shall also set forth the salary, hours, fringe benefits, and work conditions.

Subd. 2. The charter school shall not be required to comply with provisions of McGee state law governing the hiring, evaluation, or retention of teachers that are applicable to teachers in public schools that are not charter schools, including provisions of other law relating to teacher certification, personnel policies, or collective bargaining.

**Section 126.008**

Subd. 1. A charter school’s application and charter must comply with the following provisions:

(a) The application and charter for a charter school must identify the grade levels the school will serve. A charter school may provide a program of instruction for a prekindergarten program, a kindergarten program, or any grade between grades one and twelve, or for any range of grade levels between prekindergarten and twelfth grade. Instruction may be provided to persons between the ages of four (4) and twenty-one (21) years.

(b) The application and charter must describe the school’s program and method of instruction and should generally describe any extra-curricular programming the school intends to offer. A charter school may offer a curriculum which emphasizes a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts, foreign language, or other subjects the operator of the charter school deems vital to the educational development of the school’s students.

(c) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and other operations. A sponsor may not authorize a charter school that is operated by a religious organization which intends to provide religious instruction in the charter school.

(d) A charter school shall participate in statewide assessment testing as required by the McGee School Testing Act and in the reporting of test results to the State Board of Education as is required of a school district. The results of such testing shall be taken into account when the charter school’s sponsor undertakes its oversight responsibilities.

(e) A charter school shall be subject to the same financial audits, audit procedures, and audit requirements as a school district.

(f) A charter school shall comply with all federal and state laws relating to the education of children with disabilities in the same manner as a school district;

(g) A charter school shall provide for a governing board for the school which shall be responsible for developing and implementing the policies and operational decisions of the charter school. All policies and operational decisions must be consistent with the school’s charter and any material noncompliance with the school’s charter is grounds for revocation of the charter by the sponsor.

(h) A charter school may not charge tuition or fees for attendance. A charter school may charge fees for any elective extra-curricular programming offered by the charter school.

(i) A charter school shall provide instruction each year for at least the number of days required of traditional public schools.

(j) Employees of a charter school may participate in any group insurance plans available to the employees of the sponsor of the charter school, including health insurance.

(k) A charter school shall comply with data privacy and open records laws in the same manner as public schools operated by a school district.

Subd. 2. Except as expressly provided in this Act, a charter school shall be exempt from all statutes and rules relating to schools, boards of education, and school districts.

**Section 126.009**

Subd. 1. A charter school shall enroll those students whose legal residence is within the boundaries of the school district in which the charter school is located and who submit a timely application, unless the number of applications exceeds the capacity of a grade level. If capacity is insufficient to enroll all eligible students who apply to attend a given grade level at the charter school, the charter school shall select students through a randomized lottery selection process.

Subd. 2. Except as explicitly permitted by other applicable law, a charter school shall not limit admission based on ethnicity, national origin, gender, religious affiliation, income level, disabling condition, proficiency in the English language, measures of academic achievement, aptitude, or athletic ability.

**Section 126.010**

Subd. 1. State funding for the operation of a charter school shall be allocated based on the same formula applied under McGee state law for the operation of a traditional public school. A charter school shall receive the State Aid Allocation, federal funds to which it is or would be eligible were it a traditional public school, and any other state-appropriated revenue generated by the charter school’s admitted students for the applicable year.

Subd. 2. A charter school may seek grant awards and accept private donations and monetary contributions to bolster its operating budget.

Subd. 3. The governing body of a charter school may enter into private contracts for the purposes of borrowing money from lenders. If the governing body of the charter school borrows money, the charter school shall be solely responsible for repaying the debt, and the state of McGee or the charter school’s sponsor shall not in any way be responsible or obligated to repay the debt.

Subd. 4. Any charter school which chooses to lease property shall be eligible to receive current government lease rates.