

# HOUSE RESEARCH

## Bill Summary

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**Authors:** Buesgens and Greiling

**Subject:** Transferring responsibilities for youth noncurricular activities from school districts to local governments

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### Overview

This bill proposes to transfer responsibilities for the noncurricular athletic and fine arts activities of high school age children from school districts to local governments in order to allow school districts to focus on delivering academic services. The bill also proposes to retain the Minnesota State High School League as the organizing and sponsoring entity of noncurricular athletic and fine arts activities although the name of the league is changed. Noncurricular activities, which are defined in Minnesota Rules, part 3500.1050, include activities for students' enjoyment that are not for credit or required for graduation, generally are conducted outside the school day, are determined by the interests of the students who participate in the activities and their parents and are sustained through dues, admission fees and other fund raising events. Extracurricular activities have the same meaning as noncurricular activities.

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- 1 License and degree exemption for head coach.** Allows school districts to employ a head varsity coach for high school cocurricular interscholastic sports.  
  
Makes this section effective July 1, 2006.
- 2 General policy.** Allows school boards to charge fees for cocurricular, instead of extracurricular, activities.  
  
Makes this section effective July 1, 2006.
- 3 School board may require fees.** Strikes language allowing school boards to charge fees for extracurricular activities.

## Section

Makes this section effective July 1, 2006.

- 4** **Activities outside district limits.** Allows school districts to carry on cocurricular activities outside district boundaries. Prohibits school boards from authorizing noncurricular activities. Requires school districts to pay all cocurricular costs from district funds.

Makes this section effective July 1, 2006.

- 5** **Board prohibited from offering noncurricular activities.** Prohibits school boards from authorizing noncurricular activities. Clarifies that 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 directed and sponsored by the school.

Makes this section effective July 1, 2006.

- 6** **Lease for noncurricular services.** (a) Requires school boards, to the extent possible, to lease school district athletic fields, gym space and other school space to local government units providing high school league-sponsored athletic and fine arts noncurricular activities.

(b) Requires school districts with outstanding bonds to first deposit the net proceeds of the lease in the district's debt retirement fund in order to pay the principal and interest due on the leased building or property. Allows school districts to deposit any remaining net proceeds in either the debt redemption fund or the operating capital account. Requires school districts without outstanding bonds to deposit all net proceeds of a lease in the district's operating capital account.

(c) Allows school boards to make capital improvements to the real property available for lease, with some restrictions, and to recover improvement costs over the initial lease term. Requires school boards to deposit lease proceeds equaling the improvement costs in the district's operating capital account and to use remaining proceeds according to paragraph (b).

Makes this section effective July 1, 2006.

- 7** **Lease for nonschool purposes.** Allows school boards to lease property not needed for school purposes to any person, business or organization after satisfying the requirement governing leasing for noncurricular activities.

Makes this section effective July 1, 2006.

- 8** **General requirements for programs.** Requires school districts, to the extent possible, to provide limited English proficiency students with meaningful opportunities to participate with other students in cocurricular, instead of extracurricular activities.

Makes this section effective July 1, 2006.

- 9** **Nonverbal courses, cocurricula and extracurricular activities.** Provides American Indian children opportunities to participate in cocurricular activities that relate to the children's heritage or accomplish other objectives.

## Section

Makes this section effective July 1, 2006.

### **10 Form, makeup, delegated power, board members.**

**Subd. 1. Voluntary association.** Indicates that the Minnesota State High School League is a voluntary association of local governments, instead of high schools. Allows a statutory or home rule charter city, county or town to resolve to become a league member. Allows local governing boards to designate geographical subdivisions within the boundaries of the local government in order to give resident high school age children multiple opportunities to participate in league-sponsored activities.

**Subd. 2. Power to levy, spend money on league activities.** Allows local governments to levy for league-sponsored activities in which the local government participates. Allows local governments to spend available funds for noncurricular activities for high school age residents. Also allows local governments to spend money for and pay dues to the league.

**Subd. 3. League power to control.** Allows the league, consistent with its bylaws, to sponsor contests involving high school age participants residing in the local governments that are league members.

**Subd. 4. Membership; board.** (a) Requires local government members to select a resident representative who serves at the pleasure of the governing body. Allows the governing body to pay per diem to the representative and requires the governing body to reimburse the representative for actual and reasonable expenses.

(b) Requires the league to have a 20-member governing board composed of: (1) four governor-appointed who at the time of their initial appointment are parents of high school age children participating in a league-sponsored activity and at least one of whom is a member of a community of color; and (2) 16 members selected from among the representatives of local governments participating in league-sponsored activities.

(c) Declares that the terms, compensation, removal of members and the filing of member vacancies are subject to the statutory section governing administrative boards and agencies. Prohibits a government employee from receiving per diem payments for serving on the league board.

**Subd. 6. Facility contracts; leasing.** Allows member local governments to enter into contracts and lease agreements to use school facilities for league purposes.

**Subd. 7. Cooperation; joint powers.** Encourages local governments to cooperate with the league and other local government members to provide multiple opportunities for resident high school age children to participate in noncurricular activities. Allows member local governments to enter into joint powers agreements for these purposes.

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**Subd. 8. Fees; accounting and distribution.** (a) Allows local governments to charge fees for the costs of providing league-sponsored noncurricular activities. Requires fee revenues to be accounted for separately from other local government revenues.

(b) Requires the league to adopt a reimbursement formula to disperse to participating local government members the revenue it generates from tournament ticket sales, broadcast fee rights, and other tournament-related income after the league deducts reasonable administrative costs.

Makes this section effective July 1, 2006.

**11 Duties, policies, criteria, rules of board.**

**Subd. 1. Decisions, policies, advisory committees.** Directs the league board to adopt policies on corporate sponsorships and contributions, among other matters.

**Subd. 3. Criteria for conference arrangements.** Directs the league board to develop criteria for arranging membership in a competitive region, instead of an interscholastic conference. Requires the criteria to include the distance traveled by the participants representing competing local government members, the number of participants representing a local government and the comparability of noncurricular activities available through a local government member.

**Subd. 5. Rules for open enrollees.** Directs the league to adopt rules and regulations governing the participation in league-sponsored activities of resident high school age children representing a local government.

**Subd. 6. Annual report.** Requires the league board to present timely copies of its annual report to the legislative committees having jurisdiction over local government and local government finance, instead of education.

**Subd. 7. Women referees.** Directs the league to adopt reasonable rules and policies requiring women referees for fine arts activities and sports contests from the game or local to tournament levels.

**Subd. 9. Purchasing.** Strikes language requiring the league to comply with laws governing school district purchases of goods and services.

Makes this section effective July 1, 2006.

**12 Procedures.** Requires the league to hold public hearings on eligibility rules and policies when requested to do so by 100 or more parents of participants representing local governments that are league members.

Makes this section effective July 1, 2006.

**13 Tournaments, classes of athletic competition.**

**Subd. 1. Tournaments.** Directs the high school league to regulate fine arts and

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athletic tournaments, instead of high school tournaments.

**Subd. 2. Classes.** Directs the league to determine the number of available league-sponsored athletic and fine arts activities.

Makes this section effective July 1, 2006.

### 14 **Arranging interscholastic conference membership; resolving disputes.**

**Subd. 1. Policy.** (a) Allows the league to establish a policy to guide local government members, instead of member high schools, to form or alter interregional conferences.

(b) Directs the league, in consultation with the league of Minnesota cities and the Minnesota association of townships, to develop and publish a process for reaching agreements and resolving disputes about interregional conferences, the forming or interpreting of joint powers agreements, the transfer of personal property between school districts and local government members for purposes of providing noncurricular activities, and other issues related to providing noncurricular activities.

**Subd. 1a. Request.** Permits a league member that is not in a conference to ask the league to arrange membership in an interregional, instead of an interscholastic conference.

**Subd. 3. Prerequisite; 180-day good faith effort.** Requires the local government, instead of the school, to make a good faith effort to join a conference.

**Subd. 4. League deadline: 90days.** Requires the league to arrange a conference membership within 90 days of receiving a request from a league member, instead of a high school.

**Subd. 6. Right to hearing; notice.** (a) Allows a local government, instead of a high school, that is the subject of a proposed conference membership arrangement to request a timely public hearing on the matter.

(b) Requires the league to notify local governments, instead of schools, about the right to a hearing.

**Subd. 7. Decision is binding.** Makes a league's final decision on matters of conference membership binding on all affected local governments, instead of schools.

**Subd. 8. Otherwise, conferences are voluntary.** Declares that conferences formed by participating local governments, instead of schools, are voluntary except to the extent the league arranges conference membership under this section.

Makes this section effective July 1, 2006.

### 15 **Assaulting a sports official prohibited.**

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**Subd. 1. Definitions.** Defines a sports official who serves as an umpire, referee or in another similar capacity for a league-sponsored, instead of interscholastic activity. Strikes the definition of interscholastic athletic activity.

**Subd. 2. Prohibited conduct.** Allows people who assault a sports official at a league-sponsored, instead of interscholastic activity to be excluded from the activity for up to 12 months.

**Subd. 3. Sanction.** Allows the high school league board or a local government, instead of a school board, to exclude people from league-sponsored activities.

**Subd. 4. Procedure.** Establishes the procedure by which the high school league board or the local government, instead of the school board, may exclude people from an athletic activity.

**Subd. 5. Head varsity coach.** Allows only the governing board, instead of the school board employing a head varsity coach to exclude that coach from an athletic activity.

Makes this section effective July 1, 2006.

**16 Special levies.** Allows local governments to levy for noncurricular activities for resident high school age children.

Makes this section effective for taxes levied in 2006, payable in 2007 and thereafter in any year in which levy limits are imposed.

**17 Revisor's instruction.** Directs the revisor to substitute the name "Minnesota Youth Fine Arts and Athletic League" for "Minnesota State High School League" wherever it appears in statute and rule.

**18 Repealer.** Repeals on July 1, 2006, that portion of the on-line learning act that allows on-line learning students to participate in the extracurricular activities of the enrolling school district (MS, section 124D.095, subdivision 5).