

**Sept. 27, 2021**

**Board of School Administrators Board Room**  
**St. Paul College**  
**317 Marshall Ave.**  
**St. Paul, Minnesota**

**Committee Meetings: All Committees meet in the Board Room**

ETHICS Committee

**8:00 a.m.-9:30 a.m.**

LICENSING Committee

**9:30 a.m. - 10:30 a.m.**

PROF. DEV. AND PRO.REVIEW COMM.

**10:30 a.m. - 11:00 a.m.**

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**Board Members**

**Chair:** Nancy Antoine

Dr. Scott Wallner, Dr. Jinger Gustafson, Jill Lofald, Mary Frances Clardy,  
Christine Osorio, Dr. Melissa Schaller, Dr. Tracy Reimer, Louise Sundin, Drew Hildenbrand

# Board Meeting Agenda

**DATE:** Sept. 27, 2021

**TIME:** 11:00 a.m. – 1:00 p.m.

- I. Convene**
- II. Approval of Agenda**
- III. Approval of Minutes**
- IV. Updates and Discussion on Administrative License Professional Organizational Leadership with Bob Driver, the new executive director of the Minnesota Association of Secondary School Principals**
- V. Updates and Discussion on Administrative License Professional Organizational Leadership with Bob Meyer, executive director of the Minnesota Community Education Association**
- VI. Executive Director's Report**
  - A. Discussion of contracting with a private vendor to administer the automated fee payment system (Rich Westgard from MNIT will be joining us)
  - B. Discussion of next steps for districts not responding to the notice of a non-licensed Dean of Students (see attachment)
  - C. Adoption of BOSA Data Practices Policies (see attachments)
  - D. Review of the PELSB Report the Hiring Non-Licensed Individuals (see attachments) as of April 12, 2021. Top six violators below:

St. Paul	43 violations
Minneapolis	37 violations
Roseville	36 violations
St. Cloud	24 violations
S. Washington	12 violations
Cass Lake-Bena	10 violations

E. Policy question—*how does the board want to interpret the law regarding requiring licensure for superintendent and principals at education districts?* See Attorney General’s opinion below.

Tony,

You are correct that intermediate districts and cooperative centers are required to meet the licensure requirements.

I think you are also correct as to education districts, though that answer is less clear. Education districts are “governed, unless specifically provided otherwise, by laws applicable to independent school districts.” Minn. Stat. § 123A.17, subd. 4 (2020). Those laws would generally require the hiring of a superintendent and that the district *may* assign principals to each building. *Id.* §§ 123B.143, subd. 1, 123B.147, subd. 1 (2020). But then the education-district-specific statutes say that education districts “*may* contract with the education district to obtain the services of a superintendent,” Minn. Stat. § 123A.17, subd. 2 (2020), **which suggests that the requirement to hire a superintendent is not mandatory for education districts.** And because the principal-license requirement seems to be specific to principals of districts with superintendents, *see* Minn. Stat. § 123B.147, subd. 1 (discussing assignment of principals based upon “recommendation of the superintendent”), **because licensed superintendents are not mandatory for education districts, it would be somewhat incongruous to say licensed principals are.**

It is possible to read the statute to require licenses for superintendents and principals. One could take a narrow reading of “unless specifically provided otherwise,” and interpret it to mean that merely saying the districts “may” hire a superintendent is not enough to relieve them of the obligation under the laws governing independent school districts to do so. But the fact that section 123A.17, subd. 2 (regarding hiring a superintendent), goes on to give some detail about who may be a superintendent, makes this interpretation weaker, though still reasonable.

Finally, I was not able to find statutes specific to “collaborative” districts. They do not appear to be listed as a type of district in MDE’s statistics summary (<https://public.education.mn.gov/MDEAnalytics/Summary.jsp>) as a type of district. Are you referring to family services and community-based collaboratives under Minn. Stat. 124D.23? If so, do such collaboratives have schools other than the schools belonging to its constituent districts? Based on my read of the statute, if the only schools in the collaborative are schools belonging to member districts, then the license requirements applicable to the member district would govern, as opposed to any discrete requirements arising from the collaborative arrangement.

**Allen Cook Barr**, Assistant Attorney General

- F. Data on districts reporting a non-licensed community education directors (see attachment)
- G. Decision on when to use new Census Data when determining whether a district needs a licensed director of community education

Current state law on licensure for directors of community education says the following:

(c) A board of a district with a total population of 6,000 or less may identify an employee who holds a valid superintendent license under Minnesota Rules, chapter 3512, to serve as director of community education. To be eligible for an exception under this paragraph, the board shall certify in writing to the commissioner that the district has not placed a licensed director of community education on unrequested leave. A principal serving as a community education director under this paragraph on June 1, 2011, may continue to serve in that capacity.

The law does not address *when* the 6,000 is counted.

*Policy question-----For the 2021-22 school year, should districts use the new census data to determine the 6,000 population threshold for requiring a license for director of community education?*

## **VII Marquette Stokes Report**

## **VIII. Dr. Bill Bjorum’s Report**

**IX. Committee Reports:**

- a. Licensing Committee
- b. Ethics Committee
- c. Communication/Legislative Update
- d. Professional Development/Program Review

**X MDE Report**

**XI Board Member Report**

**XII Public Comments**

**XIII New Business**

**I. Old Business**

**Retirement Celebration for Karen Millar immediately after meeting. Lunch will be served.**