



Minnesota Charter School Law for Board Members

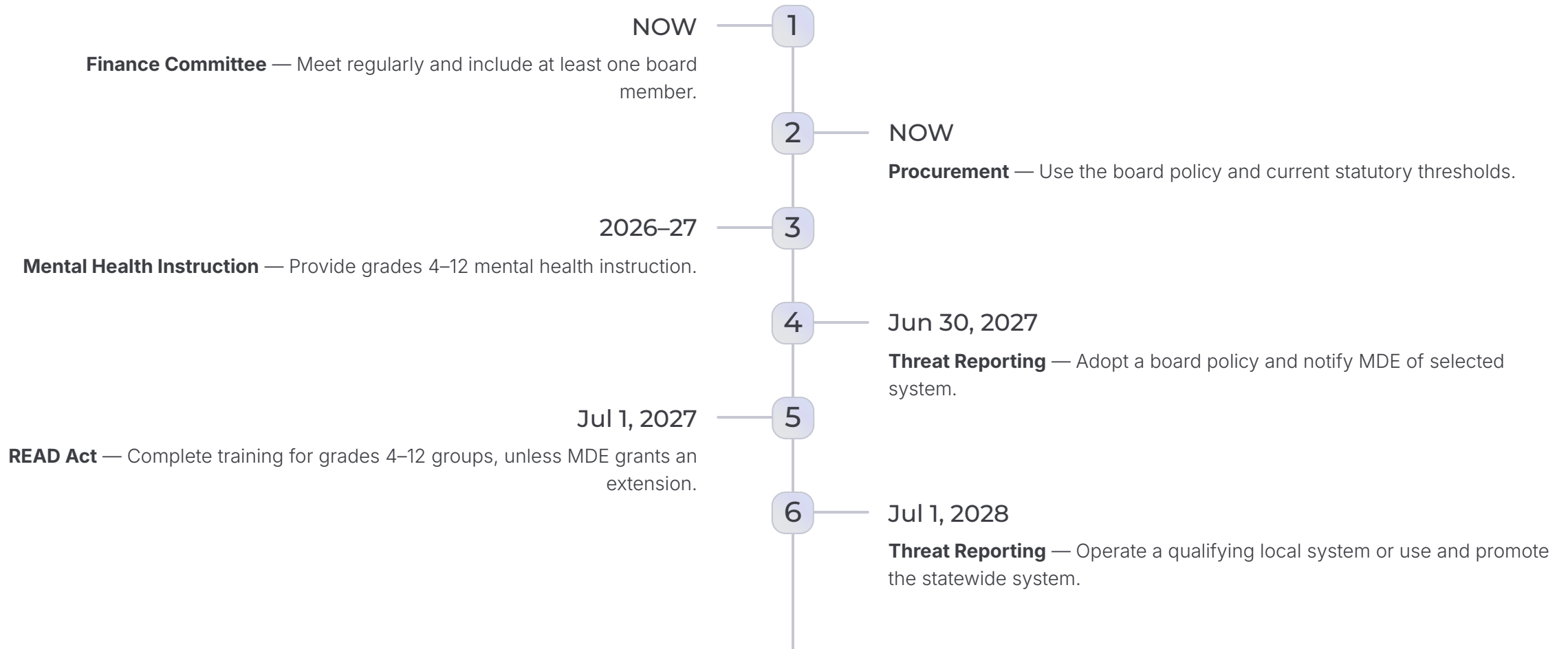
St. Croix Preparatory Academy

2026 Statutory Update — Updated through the 2026 Regular Session |

SCPA Board of Directors, September 22, 2026

Board Attention: Current Requirements & Upcoming Deadlines

Key compliance milestones every SCPA board member must know — from immediate action items to statutory deadlines through 2028.



The Charter School Legal Framework

Minn. Stat. §124E.03, subd. 1; §124E.01

Plain-English Explanation

SCPA is a public school. Laws written for school districts do not automatically apply unless a statute names charter schools or Chapter 124E makes the law applicable. Charter autonomy comes with mission-based accountability — every applicable requirement must be actively managed.

What This Means for SCPA

Each legal question starts with scope: Does the law expressly cover charter schools? SCPA must also connect its mission, strategic plan, charter contract, and public reporting to every applicable obligation.

Board Responsibility

- Set mission and strategic direction
- Monitor academic, financial, and operational results
- Request legal review when statutory scope remains unclear

Administration Responsibility

- Maintain a current compliance matrix
- Implement applicable education, employment, health, safety, reporting, and federal requirements

Sources: §§124E.01 and 124E.03

Public School & Nonprofit Corporation

Minn. Stat. §124E.06, subd. 2; Chapter 317A — SCPA operates simultaneously as a Minnesota public school and a nonprofit corporation, carrying obligations under both frameworks.

Plain-English Explanation

Public education duties coexist with nonprofit corporate governance and fiduciary obligations. Charter-specific law controls whenever it conflicts with general nonprofit law.

What This Means for SCPA

Articles, bylaws, board actions, records, finances, and delegations must all comply with Chapter 124E. Governance structures must serve both the public mission and nonprofit accountability.

Board Responsibility

Exercise care and loyalty to SCPA's mission. Approve bylaws, core policies, the annual budget, major contracts, and oversight of the Executive Director.

Administration Responsibility

Maintain all corporate and school records. Implement lawful board decisions. Operate within delegated authority and established internal controls.

Board Composition and Eligibility

Minn. Stat. §124E.07, subds. 2–4; §124E.14

Minimum Composition Requirements

The ongoing board requires at least **five unrelated members**, including:

- A licensed teacher
- A nonemployee parent or guardian of a currently enrolled student
- A qualified Minnesota-resident community member

Additional restrictions apply for contractors, family members, authorizer representatives, and individuals serving on multiple charter boards.

Sources: §124E.07, subds. 2–4; §124E.14

What This Means for SCPA

Confirm the legal category and eligibility of every candidate **before** nomination, appointment, or election. Employment, contracting, family, or residency changes may end eligibility mid-term and require prompt action.

Board Responsibility

- Maintain lawful composition at all times
- Document eligibility, oaths, terms, and vacancies
- Review conflicts before seating any candidate

Administration Responsibility

Keep the board roster and supporting records current. Alert the chair immediately when employment, residence, family, or contract changes may affect a seat.

Elections, Training, and Board Assessment

Minn. Stat. §124E.07, subds. 5 and 7 — Staff, board members, and parents or guardians all vote in board elections. Training and annual assessment are ongoing statutory obligations.

Elections

Election policy, notice, and candidate information require reliable calendars. Publish election information **at least 30 days** before voting and candidate information **at least 10 days** before.

Training Requirements

New members complete preservice and first-year training. Every member completes **annual training** based on assessed needs. Training certificates must be tracked and disclosed in the annual report.

Annual Assessment

The full board conducts an annual performance assessment. Results directly inform the next training plan cycle and should drive continuous governance improvement.

Board Operations and Public Transparency

Minn. Stat. §124E.07, subd. 8; Chapter 13D — SCPA's board and all delegated committee meetings are subject to the Minnesota Open Meeting Law. Careful procedure is required at every level of governance activity.

Key Open Meeting Requirements

- Properly noticed meetings for all deliberation and decisions
- Minutes posted within **30 days** after approval or the next regular meeting
- Postings retained for at least **365 days**
- Specific legal basis must be stated before closing any meeting

Areas Requiring Careful Procedure

Quorum discussions, serial communications, email exchanges, retreats, committee work, remote participation, and closed sessions all carry Open Meeting Law risk.

Board Responsibility

- Deliberate and decide only in properly noticed meetings
- State a specific legal basis before closing a session
- Ensure delegated committees follow the same open-meeting rules

Administration Responsibility

- Post notices and required directory information
- Support public access and remote participation technology
- Publish minutes and authorizer contact information on time

Sources: §124E.07, subd. 8; Chapter 13D

The Required Finance Committee

Minn. Stat. §124E.07, subd. 6(c)–(d) — Every charter board must establish a finance committee that meets regularly and includes at least one board member. The committee reviews financial health and recommends action to the full board.



Core Agenda Areas

Enrollment trends, budgeting, cash flow, internal controls, revenue sources, conflict-of-interest review, audits, and financial statements.



Board Responsibility

Define the committee charter, membership, meeting cadence, and reporting expectations. Final authority always rests with the full board — the committee advises and recommends.



Administration Responsibility

Prepare timely financial information, forecasts, control reports, and responses to committee questions. Support follow-up and document completed actions.



FOE Contract Requirements

Committee work must also address Friends of Education contract financial requirements, ensuring alignment between internal oversight and authorizer expectations.

Procurement and State Funds

Minn. Stat. §124E.26 — SCPA must adopt and follow a written procurement policy before spending state funds. The policy must address conflicts of interest, employee authority, competitive thresholds, and a prohibition on splitting purchases to avoid thresholds.

Up to \$25,000	\$25,001 – \$175,000	Above \$175,000
Standard purchasing authority under the board-adopted policy. Document the purchase and apply conflict-of-interest rules.	Competitive process <i>or</i> direct negotiation with at least two bids or proposals when possible. Splitting purchases to avoid this threshold is prohibited.	A formal competitive process is required . The board reviews the evaluation method, conflicts, exceptions, and the full record supporting any major award.

Board Responsibility

Keep the procurement policy current. Review total expected contract value, conflicts, evaluation method, exceptions, and the record supporting major awards.

Administration Responsibility

Estimate the full procurement value before initiating. Solicit and score bids consistently. Retain the complete file and monitor vendor performance throughout the contract.

Authorizer Oversight and the Charter Contract

Minn. Stat. §§124E.05–124E.06, 124E.10; §124E.16, subd. 4 — Friends of Education (FOE) independently monitors SCPA's academic, operational, financial, and legal performance. The charter contract is the governing document for the school's program, outcomes, and accountability.

What the Charter Contract Governs

- Educational program and measurable outcomes
- Governance requirements and board obligations
- Monitoring schedule and renewal standards
- Closure plan and wind-down procedures

Grade or primary-site changes require the statutory approval process before implementation.

Board Responsibility

- Know and formally approve the contract and all material amendments
- Monitor renewal readiness and address authorizer findings
- Board dashboards should map directly to contract commitments

Administration Responsibility

- Maintain evidence for each contract performance measure
- Post FOE's formal evaluation within **15 business days**
- Distribute the evaluation to families as required by statute

CMO and EMO Agreements

Minn. Stat. §124E.27, if applicable — A charter school using a charter management organization (CMO) or education management organization (EMO) is subject to additional statutory requirements beyond standard procurement and contracting rules.

Public Posting Requirement

A proposed final agreement or any material amendment must be posted publicly for at least **20 business days** before the board adopts it. This applies to new contracts and renewals alike.

Financial Reporting

The CMO or EMO must deliver an annual financial report to the school by **July 31**. The board must also arrange and publish an independent service review at least **30 business days** before contract end.

Board Responsibility

Review prohibited contract terms, conflicts of interest, gift restrictions, performance metrics, and the independence of required reviews before adoption or renewal.

Key Threshold Question

Before treating a major service arrangement as ordinary consulting, determine whether the provider or agreement meets the statutory CMO or EMO definitions under §124E.02.

Academic Standards and Assessment Limits

Chapter 120B; §§120B.11 and 120B.306 — SCPA follows state academic standards, statewide accountability requirements, achievement and civic readiness planning, and locally adopted assessment time limits.

Assessment Time Limits

Locally adopted schoolwide assessments generally may **not exceed:**

- **10 hours** in grades 1–6
- **11 hours** in grades 7–12

Any decision to exceed a time limit must be disclosed as required by statute, with teacher consultation documented.

Testing Calendar Requirements

Publish a comprehensive testing calendar by **October 1** and at least **one week before** each eligible assessment. Each assessment must be explained, including whether it is required by law or locally chosen.

Board Responsibility

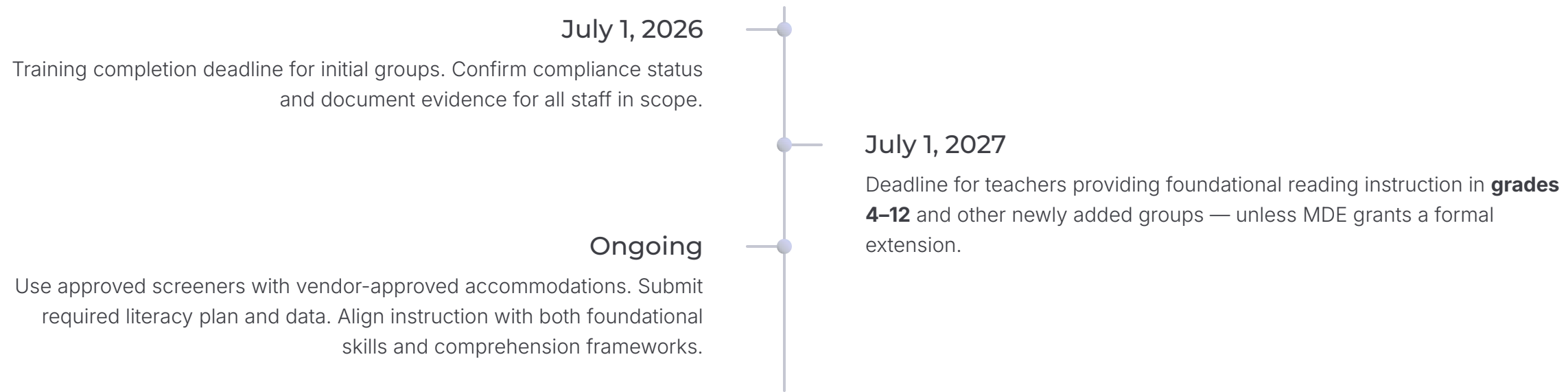
- Approve the required achievement and civic readiness plan, budget, and goals
- Monitor outcomes and the instructional value of local assessments
- Ensure reporting processes align with statutory requirements

Administration Responsibility

- Implement standards, curriculum, assessment, and intervention
- Consult teachers before exceeding time limits
- Disclose decisions as the statute requires

READ Act Requirements and Deadlines

Minn. Stat. §§120B.118–120B.124; 2026 Laws, Chapter 125 — The READ Act requires evidence-based foundational reading instruction, approved screeners, intervention systems, trained staff, and approved or qualifying instructional materials. The 2026 law adjusted key deadlines and accessibility requirements.



Board Responsibility

Monitor the literacy plan, training completion rates, approved materials, screening data, intervention capacity, accommodations compliance, and any approved MDE extension.

Administration Responsibility

Provide only MDE-approved training. Use approved screeners and accommodations. Submit all required data and literacy plan documentation on time.

Mental Health Instruction and Threat Reporting

Minn. Stat. §120B.21; §121A.0361; 2026 Laws, Chapter 117 — Two significant new requirements take effect for SCPA in 2026–27 and 2027–28, requiring coordinated board action and administration planning.

Mental Health Instruction (2026–27)

Beginning in 2026–27, SCPA must provide mental health instruction in **grades 4–12**. Instruction must align with local health standards and be integrated into existing programming structures.

Board Action

Confirm the instructional requirement is in place and that curriculum aligns with statutory health standards. Include in academic monitoring dashboard.

Threat Reporting — Two-Step Timeline

- **By June 30, 2027:** Board adopts a policy, selects an anonymous threat-reporting option, and notifies MDE of the selected system.
- **By July 1, 2028:** Operate a qualifying local system or use and actively promote the statewide system.

Administration Responsibility

Prepare the system analysis and policy recommendation. Designate and train responders, update the website and student handbook, notify families, and coordinate with public safety partners.

Admissions and Student Rights

Minn. Stat. §124E.11; §124E.03; Chapters 121A and 363A — Enrollment at SCPA is tuition-free and open to all eligible pupils. When applications exceed capacity, the school uses a published lottery process governed by statute.

Enrollment Preferences

Minnesota residents receive preference over nonresidents. Sibling and specified foster-child preferences apply by law. A qualifying staff-child preference is optional. General local-resident preference is **not** permitted.

Student Rights Framework

SCPA follows discipline due process, nondiscrimination, bullying prevention, special education, and other student-rights laws under Chapters 121A and 363A. Consistent administration of all procedures is required.

Board Responsibility

Approve enrollment, lottery, discipline, bullying, nondiscrimination, and related policies. Monitor access and patterns — the board does not decide individual admissions cases.

Administration Responsibility

Administer capacity determinations, applications, preferences, lotteries, and waitlists. Manage discipline notices, student protections, and private data consistently and lawfully.

Data, Special Education, and Other Applicable Laws

Minn. Stat. §124E.03; Chapters 13, 125A, and 181; federal law — Chapter 124E makes many laws outside the charter chapter directly applicable to SCPA, spanning data practices, employment, and federal civil rights obligations.

Key Areas of Applicable Law

- Data practices (Chapter 13) — board email, texts, recordings, and personal devices may contain government records
- Special education (Chapter 125A) — SCPA functions as a district for listed requirements
- Health and safety, school fees, employment, truancy, and teacher evaluation
- English learners, language access, athletics, and gift restrictions

Federal Requirements

- **FERPA** — Student records privacy
- **IDEA** — Special education services and child find
- **Section 504** — Disability accommodations
- **Civil rights laws** — Nondiscrimination duties

Board Responsibility

Adopt policies, fund compliance systems, and review trends or material risk. Protect private data while meeting public transparency duties.

Administration Responsibility

Classify and retain records, respond to data requests, implement child find and special education services, train staff, and escalate compliance failures promptly.

Financial and Public Reporting

Minn. Stat. §§124E.16 and 124E.20–124E.27 — Charter-specific statutes govern aid, audit reporting, public annual reports, lease aid, state money management, and management-organization accounting. Financial health is a central element of FOE oversight and charter renewal evaluation.

Key Deadlines

- **December 31** — Audit report due to both MDE and FOE
- Board-approved annual report distributed to FOE, employees, and families

Annual Report Must Cover

- Enrollment and attrition
- Governance and staffing
- Finances and performance outcomes
- Innovation, management agreements, and future plans

Board Responsibility

- Approve the annual budget and public annual report
- Review budget-to-actuals, cash position, and enrollment assumptions
- Monitor fund balance, audit findings, leases, debt, and internal controls

Administration Responsibility

- Maintain accurate accounting and updated forecasts
- Submit all reports on time
- Distribute the annual report as required
- Escalate financial concerns to the board early — do not wait for year-end

SCPA Board Work Plan: Governance Priorities

A summary of the board's priority areas for the 2026–27 governance year — grounded in statutory requirements and charter commitments.



Governance

Composition, elections, training, and annual board assessment



Instruction

Grades 4–12 mental health requirement; READ Act compliance



Finance

Committee cadence, forecasts, audit review, and internal controls



Student Rights

Enrollment, discipline, special education, and data privacy



Contracts

Procurement thresholds, conflict-of-interest review, CMO/EMO requirements



Transparency

Meetings, minutes, annual report, and FOE evaluation posting



Academics

Contract outcomes, READ Act deadlines, and assessment calendar



Safety

Threat-reporting policy adoption by June 30, 2027

The board sets direction, policy, resources, and oversight. Administration manages implementation and reports results and risk.