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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3623

02/20/2020 Authored by Huot
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; providing for a Minnesota high school league eligibility
1.3 review process; public input and access to proposed eligibility bylaws, policies,
1.4 and procedures; requiring a report; amending Minnesota Statutes 2018, sections
1.5 128C.03; 128C.20; repealing Minnesota Statutes 2018, section 128C.02, subdivision
1.6 6.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2018, section 128C.03, is amended to read:

1.9 128C.03 ELIGIBILITY BYLAWS, POLICIES, AND PROCEDURES.

1.10 Subdivision 1. Public input and access to proposed eligibility bylaws, policies, and
1.11 procedures. (a) The league shall adopt procedures to ensure public notice of all eligibility
1.12 rules and bylaws, policies, and procedures that will afford the opportunity for public hearings
1.13 on proposed eligibility rules bylaws, policies, and procedures. If requested by 100 25 or
1.14 more parents or guardians of students, the public hearing must be conducted by an
1.15 administrative law judge from the Office of Administrative Hearings, or by a person hired
1.16 under contract by the Office of Administrative Hearings, or by an independent hearing
1.17 officer appointed by the commissioner of education from a list maintained for that purpose.
1.18 At the conclusion of a public hearing requested by 100 or more parents or guardians of
1.19 students, the person conducting the hearing shall write a report evaluating the extent to
1.20 which the league has shown that the proposed rule is bylaws, policies, and procedures are
1.21 needed and reasonable and the legality of the proposed rule bylaws, policies, and procedures.
1.22 The league shall pay for hearings under this section.

1.23 (b) The league shall:

2.1 (1) maintain a public docket on the league's website that includes historical and proposed
 2.2 changes in eligibility bylaws, policies, and procedures;

2.3 (2) post notice and final versions of all proposed changes to eligibility policies,
 2.4 procedures, and definitions to the league website for at least 30 days prior to board meetings;

2.5 (3) include publication dates on all versions of the league's official handbook or other
 2.6 advisory documents regarding league eligibility bylaws, policies, procedures, and definitions;
 2.7 and

2.8 (4) reconcile and remove duplicate eligibility policies and procedures.

2.9 Subd. 2. **Eligibility review process.** (a) The league must establish a process for student
 2.10 eligibility review that provides students and parents with a reasonable opportunity to present
 2.11 information regarding the student's eligibility. The league must:

2.12 (1) publish general criteria by which a request for review may qualify for a review by
 2.13 the league's eligibility committee;

2.14 (2) publish general criteria by which a review may qualify for further review by an
 2.15 independent hearing officer;

2.16 (3) indicate the conditions, timelines, and procedures for administering any review under
 2.17 clause (1) or (2); and

2.18 (4) provide specific reasons for any request the league denies.

2.19 (b) The eligibility review process contained in this section does not create a property
 2.20 right or liberty interest in extracurricular varsity athletic competition.

2.21 Sec. 2. Minnesota Statutes 2018, section 128C.20, is amended to read:

2.22 **128C.20 LEAGUE INFORMATION REVIEW AND REPORT; COMMISSIONER**
 2.23 **REVIEW OF LEAGUE RECOMMENDATIONS.**

2.24 Subdivision 1. **Annually.** (a) Each year, the ~~commissioner of education~~ league shall
 2.25 ~~obtain and~~ review the following information ~~about the league~~:

2.26 (1) an accurate and concise summary of the annual financial and compliance audit
 2.27 prepared by the state auditor that includes information about the compensation of and the
 2.28 expenditures by the executive director of the league and league staff;

2.29 (2) a list of all complaints filed with the league and all lawsuits filed against the league
 2.30 and the disposition of those complaints and lawsuits;

2.31 (3) an explanation of the executive director's performance review;

3.1 (4) information about the extent to which the league has implemented its affirmative
3.2 action policy, its comparable worth plan, and its sexual harassment and violence policy and
3.3 rules; ~~and~~

3.4 (5) an evaluation of ~~any proposed changes in league policy~~ bylaws, policies, procedures,
3.5 and definitions, including those that have been proposed, for compliance with Department
3.6 of Education programs and applicable state and federal law; and

3.7 (6) an explanation of recent and proposed changes to eligibility bylaws, policies, and
3.8 procedures, including the eligibility review process under section 128C.03, subdivision 2.

3.9 The league shall post the review on the league's website and present written copies of
3.10 the review to the commissioner of education and the chairs and ranking minority members
3.11 of the legislative committees with jurisdiction over kindergarten through grade 12 education.

3.12 (b) The commissioner may examine any league activities or league-related issues when
3.13 the commissioner believes this review is warranted.

3.14 Subd. 2. **Recommend laws.** The commissioner may recommend to the legislature
3.15 whether any legislation is made necessary by league activities.

3.16 Sec. 3. **REPEALER.**

3.17 Minnesota Statutes 2018, section 128C.02, subdivision 6, is repealed.

APPENDIX
Repealed Minnesota Statutes: 19-1665

128C.02 DUTIES, POLICIES, CRITERIA, RULES OF BOARD.

Subd. 6. **Annual report.** The board annually shall prepare a written report containing the information about the league that the commissioner is required to obtain and review under section 128C.20. The board shall present copies of the report in a timely manner to the education committees of the legislature.