

CHAPTER 128C

HIGH SCHOOL LEAGUE

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128C.01 FORM, MAKEUP, DELEGATED POWER, BOARD MEMBERS.

Subdivision 1. **Voluntary association.** The Minnesota state high school league is a nonprofit corporation that is a voluntary association of high schools. A high school that is a school under section 120.101, subdivision 4, may be a member of the league. The league is made up of high schools whose governing boards have delegated their control of extracurricular activities, as described in section 123.38, subdivision 2b, to the league. The delegation is made when the governing board files a certificate of delegation with the commissioner of education.

Subd. 2. **Power to delegate to, pay for, league.** The governing board of a high school may delegate its control of extracurricular activities to the league. A school board may spend money for, and pay dues to, the league.

Subd. 3. **League power to control.** The state high school league may control contests by and between pupils of the Minnesota high schools that are delegated to it under this section.

Subd. 4. **Board.** (a) The league must have a 21-member governing board.

(1) The commissioner of education, or the commissioner's representative, is a nonvoting member.

(2) The governor must appoint four members according to section 15.0597. Each of the four appointees must be a parent. At least one of them must be an American Indian, an Asian, a Black, or a Hispanic.

(3) The Minnesota association of secondary school principals must appoint two of its members.

(4) The remaining 14 members must be selected according to league bylaws.

(b) The terms, compensation, removal of members, and the filling of membership vacancies are governed by section 15.0575.

History: 1973 c 492 s 14; 1973 c 738 s 1; 1980 c 355 s 2; 1982 c 424 s 34,130; 1985 c 248 s 70; 1986 c 444; 1987 c 243 s 1,2; 1988 c 718 art 7 s 45-49; 1989 c 220 s 4;

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

Subdivision 1. **Decisions, policies, advisory committees.** The board shall establish and adopt policies, make decisions on behalf of the league, and establish advisory committees necessary to carry out board functions.

Subd. 2. **Sexual harassment and violence.** The board of the league shall adopt a policy, rules, penalties, and recommendations addressing sexual harassment and sexual violence toward and by participants in league activities.

Subd. 3. **Criteria for conference arrangements.** The board must develop criteria for the league to use when it is asked to arrange for membership in an interscholastic conference by a league member under section 128C.07. The league must give notice and an opportunity for league members to be heard before adopting the criteria. The criteria must include, at least, the distance to be traveled by competing schools, the relative enrollments of the schools, and the comparability of extracurricular activities in the schools.

Subd. 4. **Rules are APA exempt.** The rules of the league are exempt from sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62.

Subd. 5. **Rules for open enrollees.** The league shall adopt league rules and regulations governing the athletic participation of pupils attending school in a nonresident district under section 120.062.

History: 1989 c 220 s 4; 1989 c 329 art 8 s 9; art 9 s 16; 1990 c 425 s 2

128C.05 TOURNAMENTS, CLASSES OF ATHLETIC COMPETITION.

Subdivision 1. **Tournaments.** The Minnesota state high school league shall establish, conduct, and regulate championship high school tournament activities.

Subd. 2. **Classes.** The league shall determine the number of classes in all interscholastic athletic activities under its jurisdiction.

History: 1989 c 329 art 9 s 16; 1990 c 425 s 2

128C.07 ARRANGING INTERSCHOLASTIC CONFERENCE MEMBERSHIP.

Subdivision 1. **Policy.** The league may establish a policy to guide member high schools in forming or altering interscholastic conferences.

Subd. 1a. **Request.** A league member high school that is not in a conference may ask the league to arrange membership for the league member in an interscholastic conference.

Subd. 2. **Reason not in conference.** The reason the member is not in a conference must be: (1) the conference was dissolved, or (2) the member was involuntarily excluded.

Subd. 3. **Prerequisite: 180-day good faith effort.** Before asking the league to arrange membership, the school must make a good faith attempt over at least 180 days to join a conference. The 180 days run from the date of the school's first written request to join or rejoin a conference.

Subd. 4. **League deadline: 90 days.** The league must arrange the conference membership within 90 days after receiving a timely written request from a league member high school.

Subd. 5. **Must use criteria.** The league must follow its criteria in arranging the conference membership.

Subd. 6. **Right to hearing, notice.** (a) The requesting school or a high school already in the conference that is the subject of the proposed arrangement may request a timely public hearing on the proposed arrangement.

(b) The league must notify the schools mentioned in paragraph (a) of the right to a hearing.

Subd. 7. **Decision is binding.** The league's final decision on a matter of conference membership under this section is binding on all of the schools required to be notified of the right to a hearing.

Subd. 8. **Otherwise, conferences are voluntary.** Except to the extent the league arranges conference membership under this section, an interscholastic conference of schools participating in activities delegated to the league may be formed and changed freely.

History: 1989 c 220 s 4

128C.10 EXPENSE LIMITS.

Subdivision 1. **Employee expenses.** Employees of the league may be reimbursed only for expenses as authorized by the commissioner's plan for state employees adopted under section 43A.18, subdivision 2.

Subd. 2. **No credit cards.** The league cannot have credit cards.

Subd. 3. **Director's expense account.** The executive director of the league may have a department head expense account. The account is subject to the same limits and

guidelines as the same account for the commissioner of education. The executive director may spend money to entertain from this account only. The executive director may reimburse the expenses of guests of the league from this account only.

Subd. 4. Advisory committee pay. A member of an advisory committee may be paid for expenses only. The only way the expenses may be reimbursed is in the same way board members' expenses are reimbursed.

Subd. 5. Auto policy. The board must have a policy on the use of automobiles by league staff. The board must show annually how the policy is the most cost-effective alternative available.

History: 1989 c 220 s 4

128C.12 AUDITS AND REPORTS BY STATE AUDITOR.

Subdivision 1. Dues and events revenue. The state auditor annually must examine the accounts of, and audit all money paid to, the state high school league by its members. The state auditor must also audit all money derived from any event sponsored by the league.

Subd. 2. Financial and compliance audit to legislature. Each year by September 1, the state auditor must provide a financial and compliance audit to the legislature. The audit must detail the general financial condition and general status of the league as of July 31 of the year before the filing of the audit.

Subd. 3. Copies. The state auditor must file copies of the audit report with the commissioner of education, the chairs of the house and senate education committees and the director of the legislative reference library.

Subd. 4. Coverage of report. The audit report must include the aggregate totals for all revenues and expenditures for the current year and the three years before the current year and the percent and dollar change from the year before each of the four years. Revenue items from student activities, membership dues, publications, registration of officials and judges, interest, automobile sales; and from other sources including medals, refunds, and reimbursements must be audited annually. Expenditure items related to staff, the board of directors, student activities, capital outlay, and office and other purposes including membership services must be audited annually.

Subd. 5. League to pay for audit. The league must pay for the audit.

History: 1989 c 220 s 4

128C.15 EMPLOYMENT.

Subdivision 1. Affirmative action. The state high school league must adopt an affirmative action policy. The reason for the policy is to ensure that jobs within the league are equally accessible to all qualified persons. The policy is also needed to eliminate underemployment by the league of the protected groups that are defined in section 43A.02, subdivision 33.

Subd. 2. Recruiting. The league must actively and publicly recruit qualified people to become its employees. The league must give special emphasis to recruiting members of protected groups. The league must advertise available positions in newspapers of general circulation. The advertisement must contain a deadline for submitting applications that is at least 14 days after the date of the last advertisement. The league must keep each application for at least six months and must notify an applicant when a position, for which the applicant is qualified, becomes available.

Subd. 3. Comparable worth. The league is a political subdivision under sections 471.992 to 471.999, except that the league must report to the commissioner of employee relations by February 1, 1989, on its implementation plan. A cause of action against the league does not arise before August 1, 1989, for failure to comply with sections 471.992 to 471.999.

History: 1989 c 220 s 4

128C.17 LEAGUE IS SUBJECT TO DATA PRACTICES ACT.

The collection, creation, receipt, maintenance, dissemination, or use of information by the state high school league is subject to chapter 13.

History: 1989 c 220 s 4

128C.20 COMMISSIONER TO REPORT ON LEAGUE TO LEGISLATURE.

Subdivision 1. **Annually.** The commissioner of education must report to the legislature before each regular session on the activities of the league. The report must contain at least:

- (1) an accurate and concise summary of the annual financial and compliance audit prepared by the state auditor that includes information about the compensation of and the expenditures by the executive director of the league and league staff;
- (2) a list of all complaints filed with the league and all lawsuits filed against the league and the disposition of those complaints and lawsuits;
- (3) an explanation of the executive director's performance review;
- (4) information about the extent to which the league has implemented its affirmative action policy, its comparable worth plan, and its sexual harassment and violence policy and rules; and
- (5) an evaluation of any proposed changes in league policy.

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

History: 1989 c 220 s 4; 1990 c 562 art 7 s 9

128C.22 LEAGUE MUST HAVE OPEN MEETINGS.

For the purposes of section 471.705, the state high school league is considered a state agency required by law to transact business in meetings open to the public.

History: 1989 c 220 s 4