



Minneapolis
City of Lakes

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TO: Barry Clegg
Chair, Minneapolis Charter Commission

cc: Burt Osborne
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FROM: Caroline Bachun
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DATE: June 3, 2011

RE: Redistricting of School District

MEMORANDUM

As you requested, I researched the issue as to whether the Charter Commission must redistrict Minneapolis Special School District #1. The answer is that the Minneapolis Special School District #1 school board, not the Charter Commission, must approve school district boundaries. I will provide a legal analysis below.

Charter Amendment 171 was approved by the voters on November 2, 2010. Charter Amendment 171 provides, in relevant part, that the City of Minneapolis must adopt a change in the Charter so that the Charter Commission would redistrict the Minneapolis school board districts. Charter Amendment 171 is discussed below:

Charter Amendment 171:

- Charter Amendment 171, related to redistricting, was on the November 2, 2010 ballot. The language was as follows:

Charter Amendment 171

Proposal to make the Charter Commission responsible for redistricting

“Should the City of Minneapolis adopt a change in its charter by eliminating the Redistricting Commission and giving the responsibility for redistricting of city wards, park board districts and Minneapolis school board districts to the Charter Commission, with input from an advisory group appointed by the Charter Commission?”

- Charter Amendment 171 passed with the following percentages of votes cast:

Yes: 55,892 Percentage of votes cast: 55.71%

No: 44,434 Percentage of votes cast: 44.29%

- Charter Amendment 171 was adopted by the City Council, acting as the Canvassing Board, on November 5, 2010.

Based on the approved Charter Amendment 171, the Charter was amended to require the Charter Commission to set the boundaries of the school board districts in accordance with the redistricting principles it uses to set the boundaries of the City Wards and the Park Board districts, and in accordance with Minnesota law. See Minneapolis Charter, Chapter 1, Section 3.H. below:

Minneapolis Charter, Chapter 1, Section 3.H.:

H. Special School District No. 1, Minneapolis. Within the time specified in Charter Chapter 1, section 3, and Chapter 16, section, 1, the Charter Commission shall set the boundaries of the school board districts in accordance with the redistricting principles it uses to set the boundaries of the City Wards and the Park Board districts, and in accordance with Minnesota law. (As amended 11-5-46; 11-5-74; 11-11-80; 83-Or-234, § 1, 9-30-83; 11-8-83; 88-Or-018, §§ 1, 2, 2-12-88; 88-Or-220, § 1, 12-16-88; 91-Or-262, § 1, 12-27-91; 11-2-99; Amend No. 171, §§ 1, 2, 11-5-10)

Minnesota law requires the School Board to redistrict Minneapolis School District #1. Minnesota Statutes, Chapter 128D applies to Minneapolis Special School District #1. Section 128D.01, subd. 2 provides that no provision of the Minneapolis home rule charter shall be applicable thereto, except as provided in Chapter 128D. There are no provisions in Chapter 128D related to redistricting.

Minnesota Statutes, Section 128D.01 (Enacted 1959 and amended in 1961, 1963 and 1967):

**128D.01 THIS CHAPTER, NOT CHARTER, CONTROLS;
EXCEPTION.**

Subdivision 1. A special independent district.

The special school district now existing in the city of Minneapolis is a special independent school district subject to the provisions of this chapter.

Subd. 2. Charter does not apply.

No provision of the Minneapolis home rule charter shall be applicable thereto, except as provided in this chapter.

Subd. 3. City law controls civil service.

The civil service provisions of the Minneapolis home rule charter or of any law applicable to the city of Minneapolis shall be applicable to employees of the special independent school district, except employees not under civil service on the effective date of this subdivision.

Minnesota Statutes, Sections 128D.02 and 128D.04 provide, in relevant part, that the Minneapolis Special School District #1 is governed by a board of education and has all the powers and obligations of independent school districts, with some exceptions.

Minnesota Statutes, Section 128D.02 (Enacted in 1959 and amended in 1963):

128D.02 BOARD OF EDUCATION LIKE INDEPENDENT DISTRICT'S.

The governing body of such school district shall be a board of education, which board shall have the care, management, supervision, conduct, and control of the school district and shall have all the powers and rights of school boards of independent school districts except as otherwise stated.

Minnesota Statutes, Section 128D.04 (Enacted in 1959 and amended in 1963, 1967 and 1980):

128D.04 DISTRICT LIKE INDEPENDENT DISTRICT; EXCEPTION.

Such special independent school district shall have all the powers, privileges, duties, and obligations of independent school districts as provided by state laws except as follows or as otherwise provided by a special law or charter provision.

Independent school districts are governed by Chapter 205A. Section 205A.12, subd. 6, provides that the school board election districts are determined by the school board.

Minnesota Statutes, Section 205A.12 (Enacted 1987 and amended in 1991 to add references to Section 204B.135):

205A.12 SCHOOL BOARD ELECTION DISTRICTS.

Subd. 6. Redefining election district boundaries.

The school board may by resolution redefine district boundaries after a school district general election. The board shall hold a public hearing on the proposed resolution before its adoption. One week's published notice of the hearing must be given. After the official certification of the federal decennial or special census, the school board shall either confirm the existing election district boundaries as conforming to the standards of

subdivision 4 or redefine election district boundaries to conform to those standards as provided in section 204B.135, subdivision 2. If the school board fails to take either action within the time required, no further compensation may be paid to the school board members until the districts are either reconfirmed or redefined as required by this section. A resolution establishing election district boundaries pursuant to section 204B.135, subdivision 2, becomes effective on the date of the state primary election in the year ending in two. Election district boundaries established at other times become effective 90 days after the adoption of the resolution

For historical perspective, below are bills that never became effective and a 2008 ballot question that was approved:

Bill S.F. 358 (2006 legislative session):

- This bill provided for 6 election districts, with 6 school board members elected by district and three elected at-large.
- This bill was signed by the Governor on May 26, 2006.
- For the law to be effective, the school district was required to file a certificate of approval with the secretary of state by the opening date of candidate filing for the 2008 school district elections. See Minn. Stat. 645.021, subs. 3 and the bill language.
- I called the Secretary of State's Office and learned there has been no filing of a certificate of approval by the school district for this bill. Therefore, this bill never became effective.

2008 Ballot Question:

There was a ballot question that provided for 6 election districts, with 6 school board members elected by district and three elected at-large. The ballot question also laid out the transition period for electing all 9 school board members. This ballot question was passed by the voters.

Bill S.F. 2813 (2009-2010 legislative session):

- This bill provided for 6 election districts, with 6 school board members elected by district and three elected at-large.
- This bill provided that the school board would redistrict the 6 districts.
- This bill was not signed by the governor and never became effective.

Bill H.F. 2360 (2010 legislative session):

- This bill allowed the school board to appoint two members to the redistricting commission.
- This bill was approved by the Governor on April 1, 2010.
- For the law to be effective, the school district was required to file a certificate of approval with the secretary of state before the first day of the 2011 regular session. See Minn. Stat. 645.021, subds. 3.
- I called the Secretary of State's Office and learned there has been no filing of a certificate of approval by the school district for this bill. Therefore, this bill never became effective.