

authority to select the education commissioner and give that authority to the governor also passed into law.

Legislators introduced the proposals at the request of Governor Perpich who wanted to appoint his own education commissioner to help advance his education initiatives, arguing that the education commissioner was the only state agency head not appointed by the governor. The board opposed the idea of giving the governor additional power, arguing that the result of the legislation would be to give the governor more centralized control of education and that although consistency and efficiency might be better served with more centralized control, greater values and safeguards and even efficiencies would be sacrificed in the long run. Proponents of the legislation countered that board members were governor appointees and were also "politicized" as a result. Board members responded that their terms were staggered and at no time were all board members appointed by the same governor.

Several legislators in subsequent legislative sessions had drafted or introduced bills to abolish the board, but it was not until the 1998 legislative session that such a proposal passed, effective December 31, 1999 (Laws 1998, chapter 398, article 5, section 56,

and article 6, section 38).

Section

1 **State board of education.** Defines "state board of education" and "state board" to mean to mean the state board of education established in statute to supervise education agencies and other education-related matters. This section is effective 1/1/02.

2 **State board of education.**

Subd. 1. State board established; appointments; meetings; conflict of interest; administrative costs. (a) Maintains the department of children, families and learning under the direction of the state board of education, which is composed of 10 resident citizens, at least one of whom must reside in each congressional district, the chancellor of the Minnesota state colleges and universities or a person appointed by the chancellor, and the president of the University of Minnesota or a person appointed by the president.

(b) Includes among the 10 citizen board one at-large member who is enrolled full time in a Minnesota public high school at the time of appointment and one at-large member who previously served as an elected school board member.

(c) Directs the governor to appoint the resident citizens with the advice and consent of the senate. Directs the state board annually to elect one of its members as board president and precludes any member from serving more than three consecutive years as board president.

(d) Directs the state board to hold meetings on dates and at places it designates.

(e) Prohibits board members from holding public office or representing or being employed by any public or private board of education or school district or having a personal financial interest in a contract with a board of education of a school district or otherwise engaging in a capacity where a conflict of interest may arise.

(f) Requires the administrative costs of the state board to be paid out of department of children, families and learning appropriations.

Subd. 2. Membership; compensation. Makes the membership terms, compensation, removal of members and filling of vacancies on the state board of education subject to the statutory section governing administrative boards and agencies.

Subd. 3. Residency requirement. Causes a board member who ceases to be a resident of the

congressional district from which the member was appointed to also cease being a member of the state board of education. Directs the governor to appoint a successor within six months.

This section is effective 12/1/02.

- 3 **Appointment and duties.** (a) Makes the commissioner of children, families and learning the state board secretary and directs the state board, instead of the governor, to appoint the commissioner.

(b) Indicates that the commissioner serves at the pleasure of the state board.

This section is effective 12/1/02.

- 4 **Initial state board of education appointments.** In order to stagger the terms of the 10 citizen members of the state board, assigns four board members appointed from congressional districts and one at-large member to two-year terms and four board members appointed from other congressional districts and one at-large member to four-year terms.

This section is effective immediately.

- 5 **Revisor's instruction.** Directs the revisor of statutes to change all references from the commissioner of the department of children, families and learning to the state board of education and to transfer all authority from the commissioner of the department of children, families and learning to the state board of education, consistent with the references changed and the authority transferred under Minnesota Laws 1998, which repealed the state board of education effective 12/31/99. Includes among the changes the authority to exercise general supervision over educational agencies and adopt or amend administrative rules. Directs the revisor, in consultation with house and senate counsel, to make other necessary changes, consistent with law and rule existing prior to the repeal of the state board of education. Directs the revisor to prepare a report to the 2002 legislature showing these changes, which are effective 1/1/02.

This section is effective immediately.