

Subd. 2. At hearing on the motion the court may require the filing of such further affidavits and the taking of such evidence as it deems necessary and proper.

Subd. 3. Where the court determines that the circumstances and behavior of the person from the date of his conviction warrant setting aside the conviction, it may enter such an order.

Sec. 3. [609.168] **EFFECT OF ORDER.** Where an order is entered by the court setting aside the conviction the person shall be deemed not to have been previously convicted.

Approved June 4, 1971.

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#### CHAPTER 780—H.F.No.333

*An act relating to education; school aids, counties without personal property tax; repealing Minnesota Statutes 1969, Section 272.65.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **EDUCATION; SCHOOL AIDS; COUNTIES WITHOUT PERSONAL PROPERTY TAX.** Minnesota Statutes 1969, Section 272.65, is repealed.

Approved June 4, 1971.

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#### CHAPTER 781—H.F.No.491

[Coded in Part]

*An act relating to private business, trade and correspondence schools; amending Minnesota Statutes 1969, Sections 141.25, Subdivisions 7 and 9; 141.26, by adding a subdivision; and 141.27, Subdivisions 1 and 3.*

Be it enacted by the Legislature of the State of Minnesota:

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Section 1. Minnesota Statutes 1969, Section 141.25, Subdivision 7, is amended to read:

Subd. 7. **PRIVATE BUSINESS, TRADE AND CORRESPONDENCE SCHOOL ACT; REVISION; MINIMUM STANDARDS.** (A) No license shall be issued unless the commissioner first determines;

(a) That the applicant has a sound financial structure with sufficient resources for the proper use and support of the school to be maintained;

(b) That the applicant has satisfactory training facilities with sufficient tools and equipment and the necessary number of work stations to train adequately the students proposed to be enrolled;

(c) That the applicant employs a sufficient number of qualified instructors trained by experience and education to give the training contemplated;

(d) That the premises and conditions under which the students work and study are sanitary, healthful, and safe, according to modern standards;

(e) That courses, curriculum, and instruction are consistent in quality and content with recognized accepted standards for the type of course offered;

(f) That the living quarters which may be maintained by the applicant for students are sanitary and safe.

(B) In the event the commissioner refuses to issue a license because one or more of the above standards (a), (b), (c), (d), and (f) have not been met, a party adversely affected by that decision may request a determination of that issue or issues, pursuant to chapter 15.

(C) In the event the commissioner refuses to issue a license because standard (e) above has not been met, a determination on that issue will be made, pursuant to chapter 15, by a group of three qualified persons, one person chosen by the school, one person chosen by the commissioner and one chosen by the first two; in the event the two parties are unable to agree within 30 days as to the appointment of the third party, either party shall apply to the chief justice of the Minnesota supreme court who shall appoint such third party. The commissioner shall clearly and concisely establish for the group determination the particular standard and issue involved that requires a specific determination by such group. After its formulation the group shall have a reasonable period of time after the specific issue has been submitted to conduct its investigation and report its determination to the commissioner.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 2. Minnesota Statutes 1969, Section 141.25, Subdivision 9, is amended to read:

Subd. 9. **CATALOG OR BROCHURE FOR TRADE AND BUSINESS SCHOOLS.** (A) No license shall be issued to a school other than one which offers exclusively a correspondence course of instruction, until such school has furnished to the commissioner a catalog or brochure containing the following:

(a) Identifying data, such as volume number or date of publication;

(b) Name of the school and its governing body and officials;

(c) A calendar of the school showing legal holidays, beginning and ending dates of each course quarter, term, or semester, and other important dates;

(d) School policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

(e) School policy and regulations relative to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance;

(f) School policy and regulations relative to standards of progress required of the student by the school which policy must define the *grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the school, and conditions of re-entrance for those dismissed for unsatisfactory progress;*

(g) School policy and regulations relative to student conduct and conditions for dismissal for unsatisfactory conduct;

(h) Detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

(i) Policy and regulations of the school relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;

(j) A description of the available facilities and equipment;

(k) A course outline for each course offered showing course objectives, subjects or units in the course, type of work or skill to be learned, and approximate time or clock hours to be spent on each subject or unit;

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(l) Policy and regulations of the school relative to granting credit for previous education and training.

(B) No license shall be issued to a school which offers exclusively a correspondence course of instruction, until such school has furnished to the commissioner a catalog or brochure containing the following:

(a) Identifying data such as volume number or date of publication;

(b) Name of the school, its governing body and officials;

(c) School policy and regulations on enrollment with respect to enrollment dates and specific qualifications for each course;

(d) School policy and regulations relative to standards of progress required of the student by the school which policy must define the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the school, and conditions of re-enrollment for those students terminated for unsatisfactory progress;

(e) Detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

(f) Policy and regulations of the school relative to the refund of the unused portion of tuition, fees and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;

(g) A description of facilities and equipment used by the school;

(h) A course outline for each course offered showing course objectives, subjects or units in the course, type of work or skill to be learned, and approximate time or clock hours to be spent on each subject or unit;

(i) Policy and regulations of the school relative to granting credit for previous education and training.

(C) Each school or agent thereof shall deliver the catalog or brochure required in subdivision 9 to each prospective student before accepting a student enrollment.

Sec. 3. Minnesota Statutes 1969, Section 141.26, is amended by adding a subdivision to read:

Subd. 6. Any contract entered into by a solicitor for a licensed school shall be unenforceable in any action brought thereon if the solicitor does not hold a valid permit as required by this section.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1969, Section 141.27, Subdivision 1, is amended to read:

**141.27 PAYMENTS.** Subdivision 1. **REFUNDS.** Every school other than one which offers a correspondence course of instruction, shall refund tuition and other charges in those cases where a written contract for enrollment is utilized, when the student gives written notice of cancellation according to the following schedule:

(a) Notwithstanding anything to the contrary in this subdivision, when notice of cancellation is given within five days after the day on which the contract is executed, regardless of whether the course of instruction has started, all tuition and other charges except \$25 will be refunded to the student;

(b) When notice of cancellation is given after the fifth day on which the contract was executed, but before the start of the course of instruction, all tuition and other charges except \$50 will be refunded to the student;

(c) When notice of cancellation is given after the start of the course but prior to completion of ten percent of the course of instruction, the school may retain no more than ten percent of the total charge for the course;

(d) When notice of cancellation is given after completion of ten percent of the course of instruction, but before completion of 25 percent of the course of instruction, the school may retain no more than 25 percent of the total charge for the course;

(e) When notice of cancellation is given after completion of 25 percent of the course of instruction, but prior to completion of 50 percent of such course, the school may retain no more than 50 percent of the total charge for the course;

(f) After completion of 50 percent of the course of instruction, the student is entitled to no refund. This clause shall not prejudice the student's right to recover in an action for breach of contract or fraud.

Sec. 5. Minnesota Statutes 1969, Section 141.27, Subdivision 3, is amended to read:

Subd. 3. **REFUNDS.** Every school which offers a correspondence course of instruction either separately, or in combination with a resident course of instruction, shall refund tuition and other charges when the student gives written notice of cancellation according to the following schedule:

(a) When notice of cancellation is given within three days after the date of enrollment, all tuition and other charges except \$25 shall be refunded to the student;

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(b) When notice of cancellation is given within 30 days after the date of enrollment, the school may retain no more than the pro rata charge for the completed lessons of the course of instruction or 15 percent of the contract price of the course plus \$50, whichever is more;

(c) When notice of cancellation is given 30 days after date of enrollment but prior to 60 days from the date of enrollment, the school may retain no more than the pro rata charge for the completed lessons of the course of instruction or 20 percent of the contract price of the course plus \$50 whichever is more;

(d) When notice of cancellation is given 60 days after the date of enrollment but prior to 90 days from the date of enrollment, the school may retain no more than the pro rata charge for the completed lessons of the course of instruction or 25 percent of the contract price plus \$50 whichever is more;

(e) When notice of cancellation is given 90 days after the date of enrollment but prior to 180 days from the date of enrollment, the school may retain no more than the pro rata charge for the completed lessons of the course of instruction or 50 percent of the contract price plus \$50, whichever is more;

(f) After 180 days from the date of enrollment the student is entitled to no refund. This clause shall not prejudice the student's right to recover in an action for breach of contract or fraud.

Approved June 4, 1971.

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## CHAPTER 782—H.F.No.561

[Coded in Part]

*An act relating to community corrections centers; providing for state subsidy; amending Minnesota Statutes 1969, Section 241.31, Subdivision 1 and by adding a subdivision.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 241.31, is amended by adding a subdivision to read:

Subd. 7. COMMUNITY CORRECTIONS CENTER; STATE SUBSIDY. For the purpose of demonstrating the effectiveness of the community corrections centers authorized by this section and to

Changes or additions indicated by underline, deletions by ~~strikeout~~.