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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 166

01/24/2013 Authored by Slocum, Moran and Yarusso
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; allowing resident pupils temporarily placed in a care and
1.3 treatment center to continue to participate in district extracurricular activities;
1.4 amending Minnesota Statutes 2012, section 123B.49, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2012, section 123B.49, subdivision 4, is amended to read:

1.7 Subd. 4. **Board control of extracurricular activities.** (a) The board may take
1.8 charge of and control all extracurricular activities of the teachers and children of the public
1.9 schools in the district. Extracurricular activities means all direct and personal services for
1.10 pupils for their enjoyment that are managed and operated under the guidance of an adult
1.11 or staff member. The board shall allow all resident pupils receiving instruction in a home
1.12 school as defined in section 123B.36, subdivision 1, paragraph (a), and all physically able
1.13 resident pupils temporarily placed in a care and treatment program to be eligible to fully
1.14 participate in extracurricular activities on the same basis as public school students.

1.15 (b) Extracurricular activities have all of the following characteristics:

- 1.16 (1) they are not offered for school credit nor required for graduation;
- 1.17 (2) they are generally conducted outside school hours, or if partly during school
1.18 hours, at times agreed by the participants, and approved by school authorities;
- 1.19 (3) the content of the activities is determined primarily by the pupil participants
1.20 under the guidance of a staff member or other adult.

1.21 (c) If the board does not take charge of and control extracurricular activities, these
1.22 activities shall be self-sustaining with all expenses, except direct salary costs and indirect
1.23 costs of the use of school facilities, met by dues, admissions, or other student fund-raising
1.24 events. The general fund must reflect only those salaries directly related to and readily

2.1 identified with the activity and paid by public funds. Other revenues and expenditures for
2.2 extra curricular activities must be recorded according to the Manual for Activity Fund
2.3 Accounting. Extracurricular activities not under board control must have an annual
2.4 financial audit and must also be audited annually for compliance with this section.

2.5 (d) If the board takes charge of and controls extracurricular activities, any or all
2.6 costs of these activities may be provided from school revenues and all revenues and
2.7 expenditures for these activities shall be recorded in the same manner as other revenues
2.8 and expenditures of the district.

2.9 (e) If the board takes charge of and controls extracurricular activities, the teachers or
2.10 pupils in the district must not participate in such activity, nor shall the school name or any
2.11 allied name be used in connection therewith, except by consent and direction of the board.

2.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.