

CHAPTER 867—H. F. No. 121

[Coded]

An act requiring school districts and unorganized territories to provide special instruction and services for handicapped children, defining handicapped children, providing for aid for employment of such personnel as is essential in educational programs for handicapped children, providing for aids for purchase or rental of supplies and equipment, providing for aids for transporting or boarding handicapped children; repealing Minnesota Statutes 1958, Section 128.07, Subdivision 4; Section 128.13, as amended; and Sections 131.08 to 131.12.

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

Section 1. [131.08] Special instruction for handicapped children of school age. Every school district and unorganized territory shall provide special instruction and services for handicapped children of school age who are residents of such district or unorganized territory. School age as used in this act shall mean the ages of 4 years to 21 years inclusive for children who are deaf, blind, crippled or having speech defects; and 5 years to 21 years inclusive for mentally retarded children; and shall not extend beyond secondary school or its equivalent.

Sec. 2. [131.082] Handicapped children defined.
Subdivision 1. Every child who is deaf, hard of hearing, blind, partially seeing, crippled or who has defective speech or who is otherwise physically impaired in body or limb so that he needs special instruction and services, but who is educable, as determined by the standards of the state board of education, is a handicapped child.

Subd. 2. Every child who is mentally retarded in such degree that he needs special instruction and services, but who is educable as determined by the standards of the state board of education, is a handicapped child.

Subd. 3. Every child who by reason of an emotional disturbance or a special behavior problem or for any other reason needs special instruction and services, but who is educable, as determined by the standards of the state board of education, is a handicapped child.

Sec. 3. [131.083] Methods of special instruction. Special instruction and services for handicapped children may be provided by one or more of the following methods:

(a) Special instruction and services in connection with

attending regular elementary and secondary school classes;

- (b) The establishment of special classes;
- (c) Instruction and services at the home or bedside of the child;
- (d) Instruction and services in other districts;
- (e) Instruction and services in a state teachers college laboratory school or a University of Minnesota laboratory school;
- (f) Instruction and services in a state residential school or a school department of a state institution approved by the commissioner of education; or by any other method approved by him.

Sec. 4. [131.084] Rules of state board of education. The state board of education shall promulgate rules relative to qualifications of essential personnel, courses of study, methods of instruction, pupil eligibility, size of classes, rooms, equipment, supervision and any other rules and standards it deems necessary.

Sec. 5. [131.085] State aids, payment. The state shall pay to any school district and unorganized territory; (a) for the employment in its educational program for handicapped children, two-thirds of the salary of essential professional personnel, but this amount shall not exceed \$3,600 for the normal school year for each full-time person employed, or a prorata amount for a part-time person or a person employed for a limited time, including but not limited to summer school; (b) for the employment of an individual jointly with another district or districts or unorganized territory in its educational program for handicapped children, two-thirds of the salary of essential professional personnel, but this amount shall not exceed \$3,600 per annum for each full-time person employed, or a prorata amount for a part-time person or a person employed for a limited time including but not limited to summer school.

Sec. 6. [131.086] State, reimbursement of school districts for supplies and equipment costs. The state shall reimburse each district or unorganized territory for supplies and equipment purchased or rented for use in the instruction of handicapped children in the amount of one-half of the sum actually expended by the district or unorganized territory but not to exceed \$50 in any one school year for each handicapped child receiving instruction.

Sec. 7. [131.087] State, reimbursement of school

districts for transportation or board and lodging of handicapped children. The state shall reimburse each district or unorganized territory for the transportation or board and lodging of handicapped children when approved by the state board of education, at rates to be determined by the state board of education, but this amount shall not exceed \$225 annually for each deaf, blind, or crippled child and \$160 for each mentally retarded child transported or boarded. Transportation funds may be used for conveying handicapped children between home and school and within the school plant.

Sec. 8. [131.088] Payment of aids. The aids provided for in sections 5 and 6 shall be paid to the district providing the special instruction and services. Basic aid and equalization aid shall be paid to the district or unorganized territory of the pupils' residence. The amount of aid for special instruction and services for handicapped children as provided in sections 5 and 6 may not exceed the amount expended for such special instruction and services for handicapped children for the year for which the aid is paid.

Sec. 9. [131.089] Special instructions for nonresident children. The parent or guardian of a handicapped child who resides in a school district which does not provide special instruction and services within its district may make application to the commissioner of education for special instruction and services for his child under one of the methods provided in section 3.

If the state commissioner of education finds that the local district is not providing such instruction and services, he shall arrange for the special instruction and services provided for in section 3. If the instruction and services are provided outside the district of residence, transportation or board and lodging, and any tuition to be paid, shall be paid by the district of residence. The tuition rate to be charged for any handicapped child shall be the actual cost of providing special instruction and services to the child including a proportionate amount for capital outlay and debt service minus the amount of special aid for handicapped children received on behalf of that child. If the school boards involved do not agree upon the tuition rate, either school board may apply to the commissioner of education to fix such rate. The commissioner of education shall then set a date for a hearing, giving each board at least ten days' notice, and after the hearing the commissioner shall make his order fixing the tuition rate, which rate shall then be binding on both school districts.

Sec. 10. Repealer. Minnesota Statutes 1953, Section 128.07, Subdivision 4; Section 128.13, as amended by Laws

1955, Chapter 821, Section 1; and Sections 131.08 to 131.12 are hereby repealed.

Sec. 11. The effective date of this act shall be September 1, 1957.

Approved April 29, 1957.

CHAPTER 868—H. F. No. 197

An act relating to the powers and duties of school boards; amending Minnesota Statutes 1953, Section 125.06, Subdivision 10.

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

Section 1. Minnesota Statutes 1953, Section 125.06, Subdivision 10, is amended to read:

Subd. 10. **Employment of teachers.** It shall employ and contract with necessary qualified teachers and discharge the same for cause, *but no substitute teacher shall be hired except to replace a regular teacher on leave of absence or in an emergency of less than one school year's duration.*

Approved April 29, 1957.

CHAPTER 869—H. F. No. 244

An act relating to highway patrolmen, retirement; amending Minnesota Statutes 1953, Section 172.02, Section 172.08, Subdivisions 1, 2, 3 and 4, Section 172.09, Section 172.10, Subdivisions 1 and 2, and Section 172.103; and repealing Minnesota Statutes 1953, Section 172.08, Subdivisions 5 and 6.

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

Section 1. Minnesota Statutes 1953, Section 172.02, is amended to read:

172.02 Retirement associations. There is hereby established a Highway Patrolmen's Retirement Association, the membership of which shall consist of highway patrolmen. Every highway patrolman who is employed by the State of Minnesota, as such, on July 1, 1943, and every person employed as a patrolman thereafter, shall become a member of this association. Each patrolman while in the service of the state highway patrol shall pay a sum equal to *seven* percent of his