

*strued to exempt cemetery property owned or leased by any corporation, association, partnership, proprietorship or any other organization from any special assessment unless such corporation, association, partnership, proprietorship or other organization*

(a) *was formed for a purpose not involving pecuniary gain to its shareholders or members; and*

(b) *pays no dividends or other pecuniary remuneration directly or indirectly to its shareholders or members as such.*

Approved June 6, 1969.

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CHAPTER 981—S. F. No. 19

[Coded in Part]

*An act relating to education; regulating aids for handicapped children; amending Minnesota Statutes 1967, Section 120.03, by adding a subdivision; Section 120.17, Subdivisions 1, 2, 3 and 6; and Section 124.32; repealing Minnesota Statutes 1967, Sections 120.04, 120.18 and 124.33.*

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

Section 1. Minnesota Statutes 1967, Section 120.03, is amended by adding a subdivision to read:

*Subd. 4. Education; handicapped children. Every child who is mentally retarded in such degree that he requires special training and services and who is trainable as defined by standards of the state board is a trainable handicapped child.*

Sec. 2. Minnesota Statutes 1967, Section 120.17, Subdivision 1, is amended to read:

**120.17 Handicapped children.** Subdivision 1. **Special instruction for handicapped children.** Every district and unorganized territory shall provide special instruction and services for handicapped children of school age who are residents of the district *and who are handicapped as set forth in Minnesota Statutes, Section 120.03, Subdivisions 1, 2 and 3. Every district and unorganized territory may provide special training and services for school age residents of the district who are handicapped as set forth in section 1.* School age means the ages of four years to 21 years for children who are deaf, blind, crippled or have speech defects; and five years to 21 years

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

for mentally retarded children; and shall not extend beyond secondary school or its equivalent. Every district and unorganized territory may provide special instruction and services for handicapped children who have not attained school age. *Districts with less than the minimum number of eligible handicapped children as determined by the state board shall cooperate with other districts to maintain a full sequence of programs for education, training and services for handicapped children as defined in Minnesota Statutes 1967, Section 120.03, Subdivisions 1, 2 and 3. A district that decides to maintain programs for trainable handicapped children is encouraged to cooperate with other districts to maintain a full sequence of programs.*

Sec. 3. Minnesota Statutes 1967, Section 120.17, Subdivision 2, is amended to read:

Subd. 2. **Method of special instruction.** Special instruction *or training* 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 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; or by any other method approved by him.
- (g) Instruction and services in other states.

Sec. 4. Minnesota Statutes 1967, Section 120.17, Subdivision 3, is amended to read:

Subd. 3. **Rules of the state board.** The state board shall promulgate rules relative to qualifications of essential personnel, courses of study *or training*, methods of instruction *and training*, pupil eligibility, size of classes, rooms, equipment, supervision, parent consultation and any other rules and standards it deems necessary, for instruction of handicapped children.

Sec. 5. Minnesota Statutes 1967, Section 120.17, Subdivision 6, is amended to read:

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

Subd. 6. **Placement in another district; responsibility.** The responsibility for special instruction and services for a handicapped child temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The school district of residence of such a child shall be the district in which his parent resides, if living, or his guardian, *or the district designated by the commissioner of education* if neither parent *nor guardian* is living within the state.

(b) The district providing the instruction shall maintain an appropriate educational program for such a child and shall bill the district of the child's residence for the actual cost of providing the program, as outlined in subdivision 4 of this section, except that the board, lodging, and treatment costs incurred in behalf of a handicapped child placed outside of the school district of his residence by the commissioner of public welfare or the commissioner of corrections or their agents, for reasons other than for making provision for his special educational needs shall not become the responsibility of either the district providing the instruction or the district of the child's residence.

(c) The district of residence shall pay tuition and other program costs to the district providing the instruction and the district of residence may claim foundation aid for the child as provided by law. Special transportation costs shall be paid by the district of the child's residence and the state shall reimburse for such costs within the limits set forth in Minnesota Statutes ~~1961~~, Section 124.32, Subdivision 3; ~~and acts amendatory thereof.~~

Sec. 6. Minnesota Statutes 1967, Section 124.32, is amended to read:

**124.32 Handicapped children.** Subdivision 1. The state shall pay to any district and unorganized territory; (a) for the employment in its educational program for handicapped children, ~~two-thirds~~ *60 percent* of the salary of essential ~~professional~~ personnel, but this amount shall not exceed ~~\$4,400~~ *\$5,300* for the normal school year for each full time person employed, or a pro rata 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~~ *60 percent* of the salary of essential ~~professional~~ personnel, but this amount shall not exceed ~~\$4,400~~ *\$5,300* per annum for each full time person employed, for a limited time including but not limited to summer school.

**Changes or additions indicated by italics, deletions by strikeout.**

Subd. 2. 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 *an average of \$50* in any one school year for each handicapped child receiving instruction.

Subd. 3. When a handicapped or a mentally retarded pupil cannot be transported on a regular school bus, the state shall reimburse each district or unorganized territory for the transportation or board and lodging *including a pro rata amount for summer school for a mentally retarded or otherwise handicapped pupil* when approved by the state board, at rates to be determined by the state board. Actual transportation costs may be reimbursed but shall not exceed \$225 annually for each such pupil. Transportation funds may be used to reimburse for expenditures in conveying mentally retarded or otherwise handicapped pupils between home and school and within the school plant.

When it is necessary to provide board and ~~lodgings~~ *lodging* for a nonresident handicapped pupil in a district maintaining special classes, reimbursement may be made for the actual cost of board and ~~lodgings~~ *lodging* but not to exceed \$900 ~~per annum~~ *during the regular school year and a pro rata amount for summer school*. This amount may be in addition to the reimbursement for transportation of such child from the place where the pupil is boarded to the school building.

Subd. 4. The aids provided for handicapped children shall be paid to the district providing the special instruction and services. Foundation aid shall be paid to the district or unorganized territory of the pupils' residence. The *total* amount of aid ~~for special instruction and services for handicapped children~~ *paid* may not exceed the amount expended ~~for such special instruction and services~~ for handicapped children for the year for which the aid is paid.

Subd. 5. *When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay to the resident district not to exceed 60 percent of instructional costs charged to the resident district, less the foundation aid per pupil unit payable to the resident district. Not more than \$125,000 shall be spent annually for purposes of implementing this subdivision. If that amount does not suffice, the aid shall be pro rated among all qualifying districts.*

*The following types of facilities may be approved by the commissioner:*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

(a) *A residential facility operated by a public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children, either within or outside of the state, or, a state residential school outside of the state.*

(b) *A private, nonsectarian residential facility designed to provide educational services for handicapped children either within or outside of the state.*

(c) *A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.*

Sec. 7. *Minnesota Statutes 1967, Sections 120.04, 120.18, and 124.33, are repealed.*

Approved June 6, 1969.

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#### CHAPTER 982—S. F. No. 95

*An act relating to small game and the entering upon agricultural lands for the purpose of hunting; amending Minnesota Statutes 1967, Section 100.273, Subdivisions 1 and 2.*

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

Section 1. Minnesota Statutes 1967, Section 100.273, Subdivision 1, is amended to read:

**100.273 Conservation; small game; permission to hunt.** Subdivision 1. During the ~~season~~ *seasons* for taking of pheasants ~~and~~, sharp tailed grouse, *ruffed grouse, woodcocks, and snowshoe rabbits* no person shall enter upon the lands of another which are being used to raise agricultural products or upon land enclosing domestic stock of any kind for the purpose of hunting ~~pheasants; or protected small game~~ *the above mentioned small game other than ruffed grouse, woodcocks and snowshoe rabbit* unless and until the permission of the owner or lessee is obtained. *Wooded areas other than tree farms shall in no case be construed to be agricultural lands within the meaning of this statute.*

Sec. 2. Minnesota Statutes 1967, Section 100.273, Subdivision 2, is amended to read:

Subd. 2. No person while engaged in hunting small game

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**