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**CHAPTER 8—S.F.No.22**

[Coded in Part]

*An act relating to education; the establishment of educational cooperative service units to provide educational services and programs on a regional basis; providing for in-service training of teachers; appropriating money therefor.*

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

**Section 1. [123.58] EDUCATIONAL COOPERATIVE SERVICE UNITS.** Subdivision 1. **DECLARATION OF POLICY.** It is declared to be a policy of the state to make general and uniform educational opportunities available to all school children in the state. In striving toward this equalizing of educational opportunity, the policy of the state shall be to encourage cooperation in making available to all students those educational programs and services which may most efficiently and economically be provided by a consortium effort of several school districts.

**Subd. 2. ESTABLISHMENT OF EDUCATIONAL COOPERATIVE SERVICE UNITS.** (a) In furtherance of this policy, ten educational cooperative service units are designated. The units, should they become operational, shall be termed educational cooperative service units, hereafter designated as ECSU. Geographical boundaries for each ECSU shall coincide with those identified in governor's executive orders 8, dated September 1, 1971, and 59, dated May 29, 1973, issued pursuant to the regional development act of 1969, Minnesota Statutes, Sections 462.381 to 462.397, with the following exceptions:

(i) Development regions one and two shall be combined to form a single ECSU;

(ii) Development regions six east and six west shall be combined to form a single ECSU;

(iii) Development regions seven east and seven west shall be combined to form a single ECSU.

The ECSU shall cooperate with the regional development commission for the region with which its boundaries coincide but shall not be responsible to nor governed by that regional development commission.

(b) The geographic location of the central administrative office of a school district shall determine the membership of the total school district in a particular ECSU. Existing school district boundaries shall not be altered as a result of this act.

(c) Two or more identified ECSU units may, upon approval by a

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majority of school boards of participating school districts in each affected ECSU, be combined and administered as a single ECSU unit but state assistance shall be allocated on the basis of two or more ECSU units.

(d) The initial organization of each ECSU may occur only upon petition to the state board of education by a majority of all school districts in an ECSU. The state board of education shall, upon receipt of such petition, invite representation from all public school districts in an ECSU at a regional meeting. The state board of education shall then assist in the necessary organizational activities for establishment of an ECSU pursuant to the requirements of this act.

**Subd. 3. PURPOSE OF ECSU.** The primary purposes of designation as an ECSU shall be to perform educational planning on a regional basis and to assist in meeting specific educational needs of children in participating school districts which could be better provided by an ECSU than by the districts themselves. The ECSU shall provide those educational programs and services which are determined, pursuant to subdivision 8, to be priority needs of the particular region and shall assist in meeting special needs which arise from fundamental constraints upon individual school districts.

**Subd. 4. MEMBERSHIP AND PARTICIPATION.** Full membership in an ECSU shall be limited to public school districts of the state but non-voting associate memberships shall be available to non-public school administrative units within the ECSU. Participation in programs and services provided by the ECSU shall be discretionary and no school district shall be compelled to participate in these services under authority of this act, except that all school districts whose central administrative offices are within that ECSU whose boundaries coincide with those of development region 11 shall participate in the planning and planning research functions of that ECSU. No planning or planning research decision of that ECSU shall be binding on these region 11 districts. Non-public school students and personnel may participate in programs and services to the extent allowed by law.

**Subd. 5. GOVERNING BOARD.** (a) The care, management, and control of an ECSU shall be vested in a board of directors composed of not less than six nor more than 15 members. Members of the ECSU board of directors shall be current members of school boards of participating public school districts. Election to the ECSU board of directors shall be by vote of all current school board members of participating public school districts with each school board member having one vote.

(b) At the initial election, not less than six nor more than 15 members shall be elected at large from the ECSU, one-third of the members for a one year term from July 1 next following the election, one-third of the members for a two year term, and one-third of the members for a three year term, to serve until a successor is elected and qualifies;

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provided that if the number of members is not evenly divisible by three, the membership will be as evenly distributed as possible among one, two, and three year terms with the remaining members serving the three year term. Elections shall occur after the third Tuesday in May but not later than June 15, or within 90 days following the filing of the initial petition with the state board of education. Thereafter, members shall be elected to serve a term of three years beginning on July 1 next following the election.

(c) Notwithstanding any contrary provisions in (a) and (b), the school boards of districts within that ECSU whose boundaries coincide with those of development region 11 may form a representative assembly composed of one current school board member from each district. The care, management, and control of that ECSU shall be vested in the representative assembly if one is formed. The representative assembly shall elect an executive committee of not less than six nor more than 15 members to terms as provided in clause (b) to have those powers and to carry out those duties delegated to it by the representative assembly. In the election of its executive committee, the representative assembly shall establish such electoral districts as necessary to ensure proportional representation based on school enrollments within the ECSU. The provisions of clauses (d), (e), (f) and (g) of this subdivision shall apply to the executive committee of this ECSU.

(d) A vacancy on the board which results in an unexpired term shall be filled by appointment by the board of directors until such vacancy can be filled at the next annual election.

(e) The first meeting of the ECSU board shall be at a time mutually agreed upon by board members. At this meeting, the ECSU board shall choose its officers and conduct any other necessary organizational business. The ECSU board may, in its discretion, appoint up to three superintendents of school districts within the ECSU as ex officio, non-voting members of the board.

(f) The officers of the ECSU board shall be a chairman, vice chairman, clerk and treasurer, no two of whom when possible shall be from the same school district.

(g) A member of the ECSU board shall have the same liability applicable to a member of an independent school board.

**Subd. 6. DUTIES AND POWERS OF ECSU BOARD OF DIRECTORS.** The board of directors shall have authority to maintain and operate an ECSU. Subject to the availability of necessary resources, the powers and duties of this board shall include the following:

(a) The board of directors shall submit within 90 days after the filing of the initial petition with the state board of education and by June 1 of each year thereafter to the state board of education and to each participating school district an annual plan which describes the

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objectives and procedures to be implemented in assisting in resolution of the educational needs of the ECSU.

(b) The ECSU board of directors may provide adequate office, service center, and administrative facilities by lease, purchase, gift, or otherwise, subject to the review of the state board of education as to the adequacy of the facilities proposed.

(c) The ECSU board of directors may employ a central administrative staff and other personnel as necessary to provide and support the agreed upon programs and services. The board may discharge staff and personnel pursuant to provisions of law applicable to independent school districts. ECSU staff and personnel may participate in retirement programs and any other programs available to public school staff and personnel.

(d) The ECSU board of directors may appoint special advisory committees composed of superintendents, central office personnel, building principals, teachers, parents and lay persons.

(e) The ECSU board of directors may employ service area personnel pursuant to certification standards developed by the state board of education and the teacher standards and certification commission.

(f) The ECSU board of directors may enter into contracts with school boards of local districts including school districts outside the ECSU area.

(g) The ECSU board of directors may enter into contracts with other public and private agencies and institutions which may include, but are not limited to, contracts with Minnesota institutions of higher education to provide administrative staff and other personnel as necessary to furnish and support the agreed upon programs and services.

(h) The ECSU board of directors shall exercise all powers and carry out all duties delegated to it by participating local school districts under provisions of the ECSU bylaws. The ECSU board of directors shall be governed, when not otherwise provided, by the provisions of law applicable to independent school districts of the state.

(i) The ECSU board of directors shall submit an annual evaluation report of the effectiveness of programs and services to the school districts within the ECSU and the state board of education by September 1 of each year following the school year in which the program and services were provided.

(j) The ECSU board is encouraged to establish cooperative, working relationships with post-secondary educational institutions in the state.

Subd. 7. **APPOINTMENT OF AN ADVISORY COUNCIL.** There  
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shall be an advisory council selected to give advice and counsel to the ECSU board of directors. This council shall be composed of superintendents, central office personnel, principals, teachers, parents, and lay persons. A plan detailing procedures for selection of membership in this council shall be submitted by the ECSU board of directors to the state board of education.

**Subd. 8. EDUCATIONAL PROGRAMS AND SERVICES.** Pursuant to subdivision 6, and rules and regulations of the state board of education, the board of directors of each operational ECSU shall submit annually a plan to the school districts within the ECSU and the state board of education. The plan shall identify the programs and services which are suggested for implementation by the ECSU during the following school year and shall contain components of long range planning determined by the ECSU in cooperation with the state board of education and other appropriate agencies. The state board of education may review and recommend modification of the proposed plan and conduct ongoing program reviews. These programs and services may include, but are not limited to, the following areas:

- (a) Administrative services and purchasing
- (b) Curriculum development
- (c) Data processing
- (d) Educational television
- (e) Evaluation and research
- (f) In-service training
- (g) Media centers
- (h) Publication and dissemination of materials
- (i) Pupil personnel services
- (j) Regional planning, joint use of facilities, and flexible and year-round school scheduling
- (k) Secondary, post-secondary, community, adult, and adult vocational education
- (l) Individualized instruction and services, including services for students with special talents and special needs
- (m) Teacher personnel services
- (n) Vocational rehabilitation

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- (o) Health, diagnostic, and child development services and centers
- (p) Leadership or direction in early childhood and family education
- (q) Community services
- (r) Shared time programs.

**Subd. 9. FINANCIAL SUPPORT FOR THE EDUCATIONAL CO-OPERATIVE SERVICE UNITS.** (a) Financial support for ECSU programs and services shall be provided by participating local school districts and non-public school administrative units with private, state and federal financial support supplementing as available. The ECSU board of directors may, in each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred, assess and certify to each participating school district and non-public school administrative unit its proportionate share of any and all expenses. This share shall be based upon the extent of participation by each district or non-public school administrative unit and shall be in the form of a service fee. Each participating district and non-public school administrative unit shall remit its assessment to the ECSU board as provided in the ECSU bylaws. The assessments shall be paid within the maximum levy limitations of each participating district. No participating school district or non-public school administrative unit shall have any additional liability for the debts or obligations of the ECSU except that assessment which has been certified as its proportionate share or any other liability the school district or non-public school administrative unit agrees to assume.

(b) Any property acquired by the ECSU board is public property to be used for essential public and governmental purposes which shall be exempt from all taxes and special assessments levied by a city, county, state or political subdivision thereof.

(c) A school district or non-public school administrative unit may elect to withdraw from participation in the ECSU by a majority vote of its full board membership and upon compliance with the applicable withdrawal provisions of the ECSU organizational agreement. Upon receipt of the withdrawal resolution reciting the necessary facts, the ECSU board shall file a certified copy with the state board of education. The withdrawal shall be effective on the June 30 following receipt by the board of directors of written notification of the withdrawal at least six months prior to June 30. Notwithstanding the withdrawal, the proportionate share of any expenses already certified to the withdrawing school district or non-public school administrative unit for the ECSU shall be paid to the ECSU board.

(d) The ECSU is a public corporation and agency and its board of directors may make application for, accept and expend private, state and federal funds that are available for programs of educational bene-

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fit approved by the state board of education in accordance with regulations adopted by the state board of education pursuant to Minnesota Statutes, Chapter 15. The state board of education shall not distribute special state aid or federal aid directly to an ECSU in lieu of distribution to a school district within the ECSU which would otherwise qualify for and be entitled to this aid without the consent of the school board of that district.

Subd. 10. **JOINT POWERS ACT.** Nothing in this act shall restrict the authority granted to school district boards of education by Minnesota Statutes, Section 471.59.

Sec. 2. **APPROPRIATION FOR ECSU.** There is appropriated to the department of education from the general fund the sum of \$499,950 for the biennium ending June 30, 1977 for the purposes of this act. Upon state board of education review of a start-up plan, funds from this appropriation shall be transmitted to an ECSU board of directors in the amount of \$45,450 per ECSU as identified in section 1, subdivision 2, clause (a) except that the ECSU whose boundaries coincide with the boundaries of development region 11 shall receive \$90,900.

Sec. 3. **[123.581] PILOT PROGRAMS; ADVISORY COUNCIL.** Subdivision 1. Pilot programs for in-service training for regular classroom teachers in techniques of education of mildly learning disabled and retarded pupils shall be established in school districts designated by the state board of education. Funds for these pilot programs shall be granted by the state board upon the recommendation of the advisory council for special education of mildly learning disabled pupils and mildly retarded pupils.

Subd. 2. **ADVISORY COUNCIL ON LD AND MR SPECIAL EDUCATION.** There is hereby established the advisory council for special education of mildly learning disabled pupils and mildly retarded pupils which shall be responsible for recommending grants for and assisting the districts in developing the pilot programs of in-service teacher training.

Subd. 3. **MEMBERSHIP.** The advisory council shall consist of 12 members who shall be appointed by the commissioner of education. Nine members shall be professionally qualified in the fields of special or general education, and three shall be public members. The professionally qualified members shall be representative of teacher training departments or institutions, educators acting as consultants in the field of special learning behavior problems, mental retardation, and other educational handicaps and the department of education. The public members shall be representative of associations and organizations concerned with the problems of learning disabled pupils and retarded pupils.

Subd. 4. **DUTIES.** The advisory council shall be charged with the  
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following duties:

(1) To make recommendations to the state board of education as to priority in the use of funds available for the in-service training programs for classroom teachers;

(2) To formulate and recommend policies as to the awarding of grants by the state board;

(3) To propose minimum standards to be met by the district in order to receive program approval;

(4) To review proposals of programs submitted by the district and make recommendations as to acceptability; and

(5) Evaluate and make periodic reports on the programs funded under this act to the state board of education, the teacher standards and certification commission and the council on quality education.

Subd. 5. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Subd. 6. **REQUIREMENTS FOR PROGRAMS.** A grant received by the district shall be used solely for costs incurred in the in-service training of the teachers and shall not be used for any other general education or special education functions. Applications for grants may be considered from districts initiating an in-service training program or continuing an existing program. A single district may initiate or continue a program or may join with another district or other districts. A district may cooperate with other districts in a special educational regional council, educational service area, or educational cooperative service unit wherever such arrangement is available. Distribution of funds between or among the pilot programs shall depend upon the needs of the district, its population, and the number of teachers to be trained in the program. There is no requirement that funds be equally distributed.

Subd. 7. There is hereby appropriated from the general fund to the state board of education for the purposes of this section the sum of \$100,000. Notwithstanding the provisions of Minnesota Statutes, Section 16A.28 or any other law, this appropriation shall not cancel but shall be available until July 1, 1977.

The state board of education shall provide such personnel and resources as needed in order to carry out the duties assigned to the advisory council in this act.

Sec. 4. This act shall be effective the day following final enactment.

Approved February 11, 1976.

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