

(b) If the court awards property under subdivision 4, the court shall appoint an appraiser who shall determine the value of the property. The value of the property is its appraised value as of the date of the decedent's death without reference to its sentimental value to the eligible child or any other person.

Presented to the governor May 19, 1989

Signed by the governor May 19, 1989, 11:46 p.m.

CHAPTER 220—H.F.No. 146

An act relating to the education code; revising the text of certain chapters of the code without changing their meaning; amending Minnesota Statutes 1988, chapters 128; 128A; 128B; and 129; repealing Minnesota Statutes 1988, sections 128.04; 128.06; 128.069; 128A.04; 129.02; and 129.05 to 129.10.

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

Section 1. Minnesota Statutes 1988, chapter 128, is amended to read:

COOK COUNTY SCHOOL DISTRICTS DISTRICT

[128.009] CHAPTER APPLIES ONLY TO DISTRICT 166.

Subdivision 1. INDEPENDENT DISTRICT. This chapter applies only to the school district in Cook county. It is an independent school district subject to the laws that govern independent school districts. Its official name is independent school district No. 166, Cook county.

Subd. 2. THIS CHAPTER PREVAILS. This chapter prevails if this chapter is inconsistent with a law that governs independent school districts.

128.01 COUNTY SCHOOL BOARD; ELECTIONS; TERMS MEMBERS; NUMBER, TERM, STAGGERING.

Subdivision 1. [5 MEMBERS.] The school board of any such county district shall consist of board of independent school district No. 166 has five members; to be elected at the same time and in the same manner as board members in a ten or more townships district, but for.

Subd. 2. [4-YEAR TERM FROM JANUARY.] A The term of a school board member is four years. The board of county commissioners shall appoint the members of such board within 60 days following the election at which time the question of consolidation was submitted; the length of each term for which they are to be appointed being such as to cause the A term of three members of the board to expire begins on the Sunday preceding the first Monday in January following the next general after the election and the term for.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 3. STAGGERED ELECTIONS. Three school board members are elected at one state general election and two members to expire two years from the Sunday preceding the first Monday in January following are elected at the next state general election. The provisions of Laws 1949, chapter 268, shall not affect the terms of the school boards of county districts now organized. The school board of the county district shall meet within ten days after the appointment by the county board, and thereafter as may be necessary, and organize in the same manner as independent districts and do whatever business is necessary for the best interest of the county district for the ensuing school year and thereafter shall organize at the same time as boards of county commissioners.

128.02 COUNTY COMMISSIONER DISTRICT IS ELECTION DISTRICT.

In independent school district No. 166, each county commissioner district, as it may from time to time exist, shall constitute is an election district from which shall be elected one member of the board. One school board member is elected from each election district.

128.03 MEETINGS AND ORGANIZATION OF BOARD ANNUAL MEETING MUST BE IN JANUARY.

The school boards in such districts shall meet and organize annually board of independent school district No. 166 must hold its annual meeting on, or as soon as practicable within ten days after, the first Tuesday after the first Monday in January; or as soon thereafter as practicable, but not later than ten days after such date. It shall organize in the same manner as the board of an independent school district.

Sec. 2. Minnesota Statutes 1988, chapter 128A, is amended to read:

STATE ACADEMIES FOR THE DEAF AND BLIND

128A.01 LOCATION AND STATUS.

Subdivision 1. STATE SCHOOLS AT FARIBAULT. The Minnesota state academy for the deaf and the Minnesota state academy for the blind ~~shall be located at~~ are residential schools in Faribault as residential schools and as a resource center for school districts, and shall be grouped and classed with the. They are public schools under sections 125.03 and 125.04 and state educational institutions of the state.

Subd. 2. RESOURCE CENTER. The state academies are a resource center for school districts.

128A.02 DUTIES OF STATE BOARD DUTIES AND POWERS OF EDUCATION.

Subdivision 1. TO MANAGE. The state board of education ~~is responsible for the control, management and administration of~~ must manage the Minnesota state academy for the deaf and the ~~Minnesota~~ state academy for the blind. ~~At~~

New language is indicated by underline, deletions by ~~strikeout~~.

the request of the state board, the department of education shall be responsible for program leadership, program monitoring, and technical assistance at the academies. The department shall assist the state board in the preparation of reports.

Subd. 1a. By July 1, 1986, the academies shall comply with the uniform financial accounting and reporting system under sections 121.90 to 121.917, subject to variances developed by the advisory council and adopted by the state board.

Subd. 2. **RULES.** The state board shall promulgate must adopt rules regarding about the operation of both the academies and about the individuals in attendance and shall perform all duties attending the academies.

Subd. 3. **MOST BENEFICIAL, LEAST RESTRICTIVE.** The state board must do what is necessary to provide the most beneficial and least restrictive program of education for each child pupil at the academies who is handicapped by visual disability or hearing impairment. The academies shall provide various levels of service, as defined in the rules of the state board of education, for the pupils. Developmental needs of the pupils shall be addressed by the academies. The academies shall provide opportunities for the pupils to be educated with nonhandicapped pupils, according to assessments and individual education plans.

Subd. 2a. 4. **PLAN.** (a) The state board shall develop must have a two-year plan for the academies and must update it annually.

(b) The plan shall include at least the following must deal with:

- (1) interagency cooperation;
- (2) financial accounting;
- (3) cost efficiencies;
- (4) staff development;
- (5) program and curriculum development;
- (6) use of technical assistance from the department;
- (7) criteria for program and staff evaluation;
- (8) pupil performance evaluation;
- (9) follow-up study of graduates;
- (10) ~~implementation of the requirements of~~ implementing this chapter;
- (11) ~~communication procedures how to communicate with pupils'~~ districts of pupils attending the academies residence; and

New language is indicated by underline, deletions by ~~strikeout~~.

(12) coordination between the coordinating instructional and residential programs.

(c) The plan may deal with other matters.

(d) The state board shall must submit the plan and recommendations for improvement of the academies to the education committees of the legislature by January 15 of each odd-numbered year.

Subd. 3. The state board may employ central administrative staffs and other personnel as necessary to provide and support programs and services in each academy. The board shall place the position of the residential academy administrator in the unclassified service and may place any other position in the unclassified service if it meets the criteria established in section 43A.08, subdivision 1a. These academies are deemed to be public schools for the purposes of sections 125.03 and 125.04, and all teachers as defined in those sections who are employed at these academies are subject to the standards of the board of teaching and the state board of education. Instructional supervisory staff shall have appropriate post-secondary credits from a teacher education program for teachers of the deaf or blind and have experience in working with handicapped pupils.

Subd. 3a. All staff employed by the Minnesota state academy for the deaf are required to have sign language communication skills, as applicable. Staff employed by the Minnesota state academy for the blind must be knowledgeable in Braille communication, as applicable. The department of employee relations, in cooperation with the state board, shall develop a statement of necessary qualifications and skills for all staff. An employee hired after August 1, 1985 shall not attain permanent status until the employee is proficient in sign language communication skills or is knowledgeable in Braille communication, as applicable.

Subd. 4. The state board may enter into contracts with other public and private agencies and institutions to provide residential and building maintenance services if it determines that these services could thus be provided in a more efficient and less expensive manner. The state board may also enter into contracts with public and private agencies and institutions, school districts, educational cooperative service units, and counties to provide respite care and supplementary educational instruction and services, including assessments and counseling.

Subd. 5. The state board of education may by agreement with teacher preparing institutions or accredited institutions of higher education arrange for practical experience in the Minnesota state academy for the deaf and the Minnesota state academy for the blind for practice or student teachers, or for other students engaged in fields of study which prepare professionals to provide special services to handicapped children in school programs, who have completed not less than two years of an approved program in their respective fields. These student trainees shall be provided with appropriate supervision by a teacher licensed by the board of teaching or by a professional licensed or registered in the appropriate field of special services and shall be deemed employees of either academy, as applicable, for purposes of workers' compensation.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 6. The rules of the state board pursuant to this section shall establish procedures for admission to, including short-term admission, and discharge from the academies, for decisions on a child's program at the academies and for evaluation of the progress of children enrolled in the academies. Discharge procedures must include reasonable notice to the district of residence. These procedures shall guarantee children and their parents appropriate procedural safeguards, including a review of the placement determination made pursuant to sections 120.17 and 128A.05, and the right to participate in educational program decisions. Notwithstanding the provisions of section 14.02, proceedings concerning admission to and discharge from the academies, a child's program at the academies and a child's progress at the academies shall not be deemed to be contested cases subject to sections 14.01 to 14.69 but shall be governed instead by the rules of the state board pursuant to this section.

Subd. 5. ADVISORY COUNCIL. The state board must have, and appoint members to, an advisory council on management policies at the state academies.

Subd. 6. TRUSTEE OF ACADEMIES' PROPERTY. The state board is the trustee of the academies' property. Securities and money, including income from the property, must be deposited in the state treasury according to section 16A.275. The deposits are subject to the order of the state board.

128A.021 RESOURCE CENTER FOR THE HEARING-IMPAIRED; HEARING AND VISUALLY IMPAIRED.

Subdivision 1. ALSO FOR MULTIPLY HANDICAPPED. A resource center for the hearing-impaired, visually impaired, and multiply handicapped pupils is established at the ~~Minnesota state academy for the deaf and the Minnesota state academy for the blind~~ academies.

Subd. 2. PROGRAMS. The resource center shall must offer ~~such~~ programs as summer institutes and like programs throughout the state for hearing-impaired, visually impaired, and multiply handicapped pupils ~~in various regions of the state.~~ The resource center must also offer workshops for teachers, and leadership development for teachers.

Programs ~~A program~~ offered through the resource center shall must promote and develop education programs offered by school districts ~~and or~~ or other organizations and shall ~~provide assistance to.~~ The program must assist school districts ~~and or~~ or other organizations ~~in developing to~~ develop innovative programs.

Subd. 3. PROGRAMS BY NONPROFITS. The resource center may contract ~~with to~~ have nonprofit organizations ~~to~~ provide programs through the resource center.

Subd. 4. ADVISORY COUNCIL. The advisory council for the academies shall ~~serve as~~ is the advisory council for the resource center.

[128A.022] POWERS OF STATE BOARD OF EDUCATION.

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. PERSONNEL. The state board of education may employ central administrative staff members and other personnel necessary to provide and support programs and services in each academy.

Subd. 2. GET HELP FROM DEPARTMENT. The state board may require the department of education to provide program leadership, program monitoring, and technical assistance at the academies.

Subd. 3. UNCLASSIFIED POSITIONS. The state board may place any position other than residential academies administrator in the unclassified service. The position must meet the criteria in section 43A.08, subdivision 1a.

Subd. 4. RESIDENTIAL AND BUILDING MAINTENANCE SERVICES. The state board may enter into agreements with public or private agencies or institutions to provide residential and building maintenance services. The state board must first decide that contracting for the services is more efficient and less expensive than not contracting for them.

Subd. 5. EDUCATION SUPPLEMENTS AND RESPITE CARE. The state board may enter into agreements for respite care and supplemental educational instruction and services, including assessments and counseling. The agreements may be with public or private agencies or institutions, school districts, educational cooperative service units, or counties.

Subd. 6. STUDENT TEACHERS AND PROFESSIONAL TRAINEES.
(a) The state board may enter into agreements with teacher-preparing institutions for student teachers to get practical experience at the academies. A licensed teacher must provide appropriate supervision of each student teacher.

(b) The state board may enter into agreements with accredited higher education institutions for certain student trainees to get practical experience at the academies. The students must be preparing themselves in a professional field that provides special services to handicapped children in school programs. To be a student trainee in a field, a person must have completed at least two years of an approved program in the field. A person who is licensed or registered in the field must provide appropriate supervision of each student trainee.

Subd. 7. UFARS VARIANCES. The state board may adopt variances from the Uniform Financial Accounting and Reporting System (UFARS) developed by the UFARS advisory council for the academies.

[128A.023] DUTIES OF STATE DEPARTMENTS.

Subdivision 1. DEPARTMENT OF EDUCATION. The department of education must assist the state board of education in preparing reports on the academies.

Subd. 2. DEPARTMENT OF EMPLOYEE RELATIONS. The department of employee relations, in cooperation with the state board of education, must develop a statement of necessary qualifications and skills for all staff members of the academies.

New language is indicated by underline, deletions by ~~strikeout~~.

[128A.024] OBLIGATIONS OF THE ACADEMIES.

Subdivision 1. UFARS WITH VARIANCES. The state academies must use the Uniform Financial Accounting and Reporting System (UFARS) described in sections 121.90 to 121.917. The UFARS advisory council may develop variances for the academies for consideration by the state board of education.

Subd. 2. VARIOUS LEVELS OF SERVICE. The academies must provide their pupils with the levels of service defined in state board rules.

Subd. 3. PUPILS' DEVELOPMENTAL NEEDS. The academies must deal with the developmental needs of their pupils.

Subd. 4. EDUCATION WITH NONHANDICAPPED PUPILS. The academies must provide opportunities for their pupils to be educated with nonhandicapped pupils. A pupil's opportunities must be consistent with the pupil's individual education plan and assessment.

[128A.025] STAFF OF THE ACADEMIES.

Subdivision 1. ACADEMIES' ADMINISTRATOR. The position of the residential academies' administrator is in the unclassified service.

Subd. 2. TEACHER STANDARDS. A teacher at the academies is subject to the standards of the board of teaching and the state board of education.

Subd. 3. INSTRUCTIONAL SUPERVISORS. An instructional supervisor at the academy for the deaf or the academy for the blind must have appropriate post-secondary credits from a teacher education program for teachers of the deaf or teachers of the blind, respectively. An instructional supervisor must have experience working with handicapped pupils.

Subd. 4. SIGNING SKILLS. A staff member at the academy for the deaf must have the sign language communication skills appropriate for the staff member's job.

Subd. 5. BRAILLE SKILLS. A staff member at the academy for the blind must be knowledgeable in Braille communication as appropriate for the staff member's job.

Subd. 6. PERMANENT EMPLOYEES MUST SIGN OR KNOW BRAILLE. An employee hired after August 1, 1985, cannot get permanent status until the employee is proficient in sign language if employed at the academy for the deaf or knowledgeable in Braille if employed at the academy for the blind.

Subd. 7. WORKERS' COMPENSATION FOR TRAINEES. Student teachers and student trainees are employees of the academies for workers' compensation coverage.

[128A.026] STATE BOARD RULES.

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. SUBJECTS. The rules of the state board of education authorized in section 128A.02 must establish procedures for:

- (1) admission, including short-term admission, to the academies;
- (2) discharge from the academies;
- (3) decisions on a pupil's program at the academies; and
- (4) evaluation of a pupil's progress at the academies.

Subd. 2. MINIMUM CONTENT. The discharge procedures must include reasonable notice to the child's district of residence. The procedures set out in the rules must guarantee a pupil and the pupil's parent or guardian appropriate safeguards. The safeguards must include a review of the placement determination made under sections 120.17 and 128A.05 and the right to participate in educational program decisions.

Subd. 3. NOT CONTESTED CASE. A proceeding about admission to or discharge from the academies or about a pupil's program or progress at the academies is not a contested case under section 14.02. The proceeding is governed instead by the rules of the state board described in this section.

128A.03 ACADEMIES' ADVISORY COUNCIL ON MANAGEMENT POLICIES.

Subdivision 1. The state board of education shall appoint an advisory council on the Minnesota state academy for the deaf and Minnesota state academy for the blind to advise the board on policies pertaining to the control, management, and administration of these academies.

Subd. 2. MEMBERS. The members shall be representative of the various advisory council to the state academies must have geographic regions of the state, shall include balance. The council must include some parents or guardians of children who are visually disabled or and some parents or guardians of children who are hearing-impaired children, shall include. The council must have a staff representative of the applicable member from each academy, and shall include two representatives. The council must have one representative from groups representing the interests of the visually disabled or and one from groups representing the interests of the hearing-impaired individuals, as applicable. All members shall Each member of the advisory council must have knowledge, of, and experience and interest in, the problems of visually disabled or hearing-impaired children.

Subd. 3. 2. TERMS, PAY, REMOVAL, EXPIRATION. The terms, compensation pay, and provisions for removal of council members, and for the expiration of the council shall be as provided are in section 15.059, subdivisions 2, 3, 4, and 5.

128A.05 ATTENDANCE ADMISSION STANDARDS.

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. Any individual who is deaf or hearing impaired is entitled to attend the Minnesota state academy for the deaf if it is determined, pursuant to the provisions of section 120.17, that the nature or severity of the hearing impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the academy would be the least restrictive alternative for that individual. A deaf or hearing impaired child also may be admitted to acquire socialization skills. Short-term admission for skills development is also permitted. Nothing in this subdivision shall be construed as a limitation on the attendance at this academy of children who have other handicaps in addition to being deaf or hearing impaired.

Subd. 2. Any individual who is visually impaired, blind-deaf, or multiple handicapped is entitled to attend the Minnesota state academy for the blind if it is determined, pursuant to the provisions of section 120.17, that the nature or severity of the visual impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the academy would be the least restrictive alternative for that individual. A visually impaired child may be admitted to acquire socialization skills. Short-term admission for skills development is also permitted. Nothing in this subdivision shall be construed as a limitation on the attendance at this academy of children who have other handicaps in addition to being blind or visually impaired.

Subdivision 1. TWO KINDS. There are two kinds of admission to the academies.

(a) A pupil who is deaf or hearing-impaired may be admitted to the academy for the deaf. A pupil who is visually impaired, blind-deaf, or multiply handicapped may be admitted to the academy for the blind. For a pupil to be admitted, two decisions must be made under section 120.17.

(1) It must be decided by the individual education planning team that education in regular or special education classes in the pupil's district of residence cannot be achieved satisfactorily because of the nature and severity of the hearing or visual impairment respectively.

(2) It must be decided by the individual education planning team that the academy provides the most appropriate placement within the least restrictive alternative for the pupil.

(b) A deaf or hearing-impaired child or a visually impaired pupil may be admitted to get socialization skills or on a short-term basis for skills development.

Subd. 2. MULTIPLY HANDICAPPED. This section does not prevent a pupil with handicaps in addition to being

(1) deaf or hearing-impaired, or

New language is indicated by underline, deletions by ~~strikeout~~.

(2) blind or visually impaired

from attending the academy for the deaf or the academy for the blind, respectively.

Subd. 3. OUT-OF-STATE ADMISSIONS. An applicant from another state who can benefit from attending either academy may be admitted to the academy if the admission does not prevent an eligible Minnesota resident from being admitted. The commissioner of education must get reimbursed from the other state for the costs of the out-of-state admission. The commissioner may make an agreement with the appropriate authority in the other state to get reimbursed. Money received from another state must be paid to the state treasurer and deposited by the treasurer in the general fund.

Subd. 3 4. COMPULSORY ATTENDANCE. Attendance at the Minnesota state academy for the deaf and the Minnesota state academy for the blind is subject to The compulsory attendance provisions of section 120.10 except that 120.101 apply to attendance at the academies. Attendance may be excused pursuant to under that section by the commissioner of education or a designee. Any A person failing who fails to comply with the provisions of section 120.10 120.101 is subject to the provisions of section 120.12 120.103. The superintendent of the applicable academy shall academies' administrator must exercise the duties imposed on a superintendent by section 120.12 120.103. Attendance at the Minnesota state academy for the deaf or the Minnesota state academy for the blind shall fulfill fulfills the mandatory requirements of section 120.17. The academies are subject to sections 127.26 to 127.39, the pupil fair dismissal act of 1970, as amended.

128A.07 EXPENSE OF PUPILS.

Any individual attending the Minnesota state academy for the deaf or the Minnesota state academy for the blind shall be provided, by the person legally liable for the pupil's support, with sufficient funds to furnish the pupil with proper clothing, postage, and necessary incidental expenses. If the person legally liable for the pupil's support is unable to make these provisions, the county welfare board of the county of which the pupil is a resident shall pay to the superintendent of the pupil's school a sum to be fixed by the commissioner of education pursuant to rules promulgated by the state board. In addition, the school district of residence shall be liable for the actual transportation of the pupil to and from the school.

Applicants from other states who can benefit by being enrolled may be accepted so long as acceptance does not preclude acceptance of an eligible Minnesota resident. The commissioner of education shall obtain reimbursement from other states for the costs incurred in connection with nonresidents accepted and may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasurer and placed in the general fund.

New language is indicated by underline, deletions by strikeout.

Subdivision 1. PAID BY ONE LIABLE FOR SUPPORT. The person who is liable for the support of a pupil attending a state academy must provide the pupil with enough money for proper clothing, postage, and necessary incidental expenses.

Subd. 2. COUNTY WELFARE BOARD. If the person liable for support of a pupil cannot support the pupil, the welfare board of the county of the pupil's residence must do so. The commissioner of education must decide how much the welfare board must pay. The state board of education must adopt rules that tell how the commissioner is to fix the amount. The welfare board must make the payment to the superintendent of the school district of residence.

Subd. 3. TRANSPORTATION EXPENSES. The school district of residence must pay for the transportation of the pupil from the pupil's residence to the academy and back.

128A.09 SERVICE, SEMINAR, AND CONFERENCE FEES; APPROPRIATIONS.

Subdivision 1. DEPOSIT; CREDIT TO ACADEMIES' REVOLVING FUND. Fees and rental income, excluding rent for land and living residences, collected by the academies for services, seminars, and conferences must be deposited in the state treasury ~~and~~. A deposit must be credited to the revolving fund of the academies.

Subd. 2. ADMINISTRATOR'S VOUCHERS NEED VOUCHER TO SPEND. Payment may be made from the revolving fund only according to vouchers by voucher authorized by the administrator of the academies.

Subd. 3. ANNUAL APPROPRIATION. Money in the revolving fund is ~~annually~~ annually appropriated annually to the academies to defray expenses of the services, seminars, and conferences.

Sec. 3. Minnesota Statutes 1988, chapter 128B, is amended to read:

PINE POINT ~~EXPERIMENTAL~~ SCHOOL IN BECKER COUNTY

128B.01 RUN AS K-8 PUBLIC SCHOOL BY TRIBAL COUNCIL.

Subdivision 1. RUN BY TRIBAL COUNCIL. ~~The care, management, and control of the experimental school in independent school district No. 309, Park Rapids, is vested in the White Earth reservation tribal council~~ manages the Pine Point experimental school in independent school district No. 309, Park Rapids.

Subd. 2. FOR K-8 PUPILS. The school is for pupils in kindergarten through grade 8.

Subd. 3. INDIAN EDUCATION COMMITTEE. The Indian education committee ~~shall serve~~ serves in an advisory capacity to the White Earth reservation tribal council ~~and~~. The committee may exercise the powers ~~or~~ and perform the duties delegated to it by the White Earth reservation tribal council.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 4. ~~COMMITTEE DEFINED.~~ For purposes of this chapter, except in subdivision 3, "committee" means the White Earth reservation tribal council.

Subd. 5. ~~4. LIKE SCHOOL BOARD.~~ The committee council shall ~~superintend and manage the experimental school,~~ adopt, modify, or repeal rules for its organization, government operation and for instruction and for the keeping of registers, and prescribe textbooks and courses of study.

Subd. 6. ~~5. PUBLIC SCHOOL; COURSE STANDARDS.~~ ~~Notwithstanding any law to the contrary,~~ The experimental school shall be considered is a public school. The courses of study shall must meet the standards for similar courses of study available in the other public schools of this state.

128B.02 TERMS OF OFFICERS; ELECTIONS; VOTING.

Subdivision 1. TERMS. The term of office for an officer of the Indian education committee shall be is three years and until a successor qualifies.

Subd. 2. SECTION 123.11 ON ELECTIONS. Elections The election of committee officers shall must be held in accordance with the applicable provisions of according to section 123.11.

Subd. 3. WHO CAN VOTE. Any A qualified voter residing on the land comprising who resides within former independent school district No. 25 shall be entitled to may vote at such an election of committee officers.

Subd. 4. DISTRICT 309 ELECTIONS. Nothing contained in This chapter shall be construed to does not prohibit any a qualified voter residing in the area comprising who resides within former independent school district No. 25 from participating voting in the elections of an election in independent school district No. 309.

128B.03 FINANCES, INSURANCE, TRANSPORTATION.

Subdivision 1. CANNOT BOND, TAX, BORROW. Nothing contained in This chapter shall be construed to authorize does not allow the committee council to issue bonds, levy taxes, or borrow funds in its behalf money.

Subd. 2. MAY GET FEDERAL AID. The White Earth reservation tribal council is eligible to council may receive federal aid to Indians pursuant according to section 124.64.

Subd. 3. DISTRICT 309 STATE AID. The school board of independent school district No. 309 shall must transfer to the committee council all state aids, grants, and refunds earned and received by reason because of the pupils actually attending the experimental school established by this chapter.

Subd. 4. DISTRICT 309 FEDERAL AID. The school board of independent school district No. 309 shall must transfer to the committee council, to the extent permissible, any federal aids or grants to which such the school district may be is eligible for or entitled by reason to because of:

New language is indicated by underline, deletions by ~~strikeout~~.

- (1) the population in the experimental school attendance area;
- (2) the pupils actually attending the experimental school;
- (3) the program of the experimental school;
- (4) the boundaries of the attendance area of the experimental school; or ~~for any~~
- (5) a related reason ~~related thereto~~.

Subd. 5. **AUDITS; STATE AUDITOR LAW.** The ~~committee shall cause council must~~ have an audit to be made done annually of all the accounts of the experimental school ~~which shall~~. The audit must be completed finished within one year ~~following after~~ the year for which the audit is made. ~~In all respects, The committee shall be council is~~ subject to the ~~provisions of~~ chapter 6, relating to the state auditor.

Subd. 6. **TREASURER'S BOND.** The treasurer of ~~such committee shall~~ the council must give a corporate surety bond to the state ~~in an amount, the school board of independent school district No. 309 must set the amount of the bond.~~ The amount must be sufficient to protect the interest of the school district as set by the board of independent school district No. 309.

Subd. 7. **INSURANCE.** The ~~committee council~~ may procure buy the insurance specified in sections 123.35, subdivision 13, and 123.41. The ~~committee shall purchase council must buy~~ insurance to the extent required by chapter 466 and ~~shall is~~ not be liable beyond the extent provided by section 466.12, subdivision 3a. The term "average number of pupils" as ~~set out~~ in section 466.12, subdivision 3a ~~shall mean means~~, for the purposes of this section subdivision, the average number of pupils attending the experimental school.

Subd. 8. **TRANSPORTATION.** To the extent permitted by statute, the school board of independent school district No. 309 ~~shall remain is~~ responsible for providing transportation for independent school district No. 309.

128B.04 ALL PUPILS IN AREA ARE RESIDENT PUPILS.

Any kindergarten through 8th grade For chapter 120, a pupil residing in kindergarten through 8th grade who resides within the defined boundaries of former independent school district No. 25 ~~shall be considered is~~ a resident pupil of the experimental school attendance area, as if the experimental school area were a school district, ~~for purposes of chapter 120.~~

128B.05 EMPLOYEES; APPROPRIATE UNIT; INDIAN INSTRUCTORS.

Subdivision 1. **HIRING.** The ~~committee shall council must~~ employ necessary teachers ~~in accordance with~~ according to section 125.12 and may employ other necessary personnel.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. ~~COMMITTEE COUNCIL TEACHERS ARE UNIT.~~ Teachers employed by the ~~committee shall be~~ council are employees of the experimental school and ~~shall constitute are an "appropriate unit" or a "unit" for the purposes of under~~ chapter 179A, notwithstanding the ~~provisions~~ of section 179A.03, subdivision 2.

Subd. 3. **DISTRICT 309 TEACHERS.** Teachers employed by the school board of independent school district No. 309 and who are assigned by the board to the ~~school designated as~~ the experimental school ~~shall~~ remain employees of the board.

Subd. 4. **INDIAN CULTURE INSTRUCTORS.** The ~~committee shall have the authority to~~ council may employ instructors in the area of Indian culture. ~~Notwithstanding the provisions of chapter 125, or any rule of the state board relating to license requirements, said~~ The instructors need not be licensed by the state board. For all other purposes, ~~said the~~ instructors shall be deemed to be are "teachers" as defined by section 125.03, subdivision 1.

128B.06 ~~EDUCATION THIS CHAPTER PREVAILS OVER CODE, INDEPENDENT OR DISTRICT LAW GOVERN.~~

Subdivision 1. **EDUCATION CODE.** ~~Except as otherwise provided by this chapter, The care, management, and operation of the experimental school by the committee shall be governed in accordance with the provisions of~~ council is governed by the education code, as defined by section 120.01, and any other statutes law affecting public school districts.

Subd. 2. **INDEPENDENT DISTRICT LAW.** Unless otherwise provided in this chapter, the ~~committee shall~~ council must operate ~~pursuant~~ according to statutes governing independent school districts.

Subd. 3. THIS CHAPTER PREVAILS. If there is a conflict between the code or other law and this chapter, this chapter prevails.

128B.07 PRETRANSFER OBLIGATIONS STAY WITH DISTRICT 309.

All legally valid and enforceable claims and A claim against, or a contract obligations entered into by obligation of, the school board of independent school district No. 309 ~~prior to~~ arising before the effective date of the transfer to the ~~committee shall remain~~ council remains the ~~obligations~~ responsibility of independent school district No. 309.

128B.08 REPORTS TO LEGISLATURE.

~~Prior to~~ Before December 1 of each year the ~~committee shall~~ council must submit a report to the legislature ~~a report of on~~ the experimental school established by this chapter. ~~Such~~ The report ~~shall~~ must document the success or failure of the experimental school.

128B.09 ~~TERMINATION, END OF EXPERIMENT; TRANSFER BACK TO DISTRICT 309.~~

New language is indicated by underline, deletions by ~~strikeout~~.

At any time before July 1, 1989, The experimental status of the school may be terminated upon ended on unanimous vote of the officers of the committee council and 30 ~~days~~ days' notice to the school board of independent school district No. 309, whereupon. Then the school board of independent school district No. 309 shall must resume the care, management, and control of the entire district on the next July 1 following.

128B.10 REPEALER.

This chapter is repealed July 1, 1989.

Sec. 4. Minnesota Statutes 1988, chapter 129, is amended to read:

SCHOOL BOARDS; MISCELLANEOUS POWERS

LAND EXCHANGES; BORDER AGREEMENTS;

STATE HIGH SCHOOL LEAGUE

LAND EXCHANGES BY DISTRICTS IN CHIPPEWA FOREST

129.03 TAX-FORFEITED LANDS, ACQUISITION EXCHANGE TAX LAND FOR U.S. PROPERTY IN DISTRICT.

(a) This section applies to school districts that are partly or fully within the Chippewa National Forest.

(b) Any The school board of a school district is authorized to acquire by action of its school board, without authorization by the voters of the school district, tax-forfeited lands for the purpose of exchanging such lands may acquire tax-forfeited land to exchange it with the federal government for real or personal federal property, real or personal situated within the boundaries of in the school district.

129.04 VALIDATION PRE-1955 CONVEYANCE IS VALID.

The acquisition heretofore by any school district of tax-forfeited lands for the purpose of exchanging such lands with the federal government for federal property, real or personal, situated within the boundaries of the school district is ratified and approved and the conveyance of the title of the state of Minnesota to any such tax-forfeited land to a school district is validated and confirmed. If, before February 20, 1955, the state conveyed title to tax-forfeited land to a school district described in section 129.03 to exchange for federal property in the district, the conveyance is valid.

AGREEMENTS BY DISTRICTS ON STATE BORDER

129.11 AGREEMENTS WITH DISTRICTS DISTRICT IN OTHER STATES BORDERING STATE.

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **TO BUILD, RUN SCHOOL JOINTLY.** ~~The school board of any a school district with boundaries adjoining bordering another state may enter into an agreement and contract with the school board of a school district in such adjoining the other state to provide for the joint erection, operation and maintenance of erect, operate, and maintain school facilities for both districts upon such terms and conditions as may be mutually agreed upon between such districts in accordance with the provisions of jointly.~~

Subd. 1a. COMPLY WITH THIS SECTION. The agreement must comply with this section.

Subd. 2. **COMMISSIONER TO SET TERMS, APPROVE.** ~~An The agreement proposed for adoption by a school board under this section shall must be in the form and contain such the terms as may be prescribed by the Minnesota commissioner of education from time to time by in a published order and no. An agreement shall cannot be submitted to a referendum by the people under subdivision 3 unless it has first been approved by until the commissioner of education in writing has approved it by endorsement thereon on its face.~~

Subd. 3. **REFERENDUM.** ~~An approved The endorsed agreement shall must be submitted in the manner provided by law to the electorate voters of the school district. The referendum may be held at a special election called for the purpose or at an annual election in the manner provided by law.~~

Subd. 3a. BALLOT LANGUAGE. The question on the ballot at such election shall be These words or words with the same effect must be on the ballot:

"Shall the proposed agreement between this Your school district and proposes to make an agreement with school district number in county, state of as approved by to erect, operate, and maintain school facilities jointly. The Minnesota commissioner of education by endorsement dated be executed approves of the agreement. Do you approve of the agreement?"

YES

NO"

Subd. 4. **FACILITIES IN EITHER STATE.** ~~Facilities erected and maintained pursuant to under the terms of the agreement may be located in either Minnesota or such adjoining the other state.~~

Subd. 5. **BORROWER BORROW, TAX, ISSUE BONDS.** ~~To do what the agreement calls for, the Minnesota school district entering such making the agreement may borrow money, levy taxes and, issue bonds, and use the proceeds thereof in accordance with and subject to the limitations of of the bonds. Chapter 475 for purposes of the agreement must be followed.~~

New language is indicated by underline, deletions by ~~strikeout~~.

STATE HIGH SCHOOL LEAGUE

129.121 STATE HIGH SCHOOL LEAGUE FORM, MAKEUP, DELEGATION, BOARD MEMBERSHIP.

Subdivision 1. **VOLUNTARY ASSOCIATION.** The governing board of any high school may delegate the control, supervision, and regulation of interscholastic athletics and other extracurricular activities referred to in section 123.38 to The Minnesota state high school league; is a nonprofit incorporated corporation that is a voluntary association of high schools. Membership in said Minnesota state high school A high school that is a school under section 120.101, subdivision 4, may be a member of the league. The league shall be composed of such Minnesota is made up of high schools whose governing boards have certified in writing to delegated their control of extracurricular activities, as described in section 123.38, subdivision 2b, to the league. The delegation is made when the governing board files a certificate of delegation with the state commissioner of education that they have elected to delegate the control, supervision, and regulation of their interscholastic athletic events and other extracurricular activities to said league.

Subd. 2. POWER TO DELEGATE TO, PAY FOR, LEAGUE. The governing board of a high school may delegate its control of extracurricular activities to the league. A school board may spend money for, and pay dues to, the league.

Subd. 3. LEAGUE POWER TO CONTROL. The Minnesota state high school league is hereby empowered to exercise the may control, supervision, and regulation of interscholastic athletics, musical, dramatic, and other contests by and between pupils of the Minnesota high schools; that are delegated to it pursuant to under this section. The Minnesota high school league may establish a policy or guidelines for the guidance of member high schools in the formation or alteration of athletic or other extracurricular conferences. Except as otherwise provided by subdivision 1a, the formation or alteration of conferences is voluntary.

Subd. 4. BOARD. (a) The league must have a 21-member governing board.

(1) The commissioner of education, or the commissioner's representative, shall be an ex officio is a nonvoting member of the governing body of the Minnesota state high school league. The governing board must include the following members:

(2) The governor must appoint four members of the public, at least one of whom must be an American Indian, Asian, Black, or Hispanic, and all of whom must be parents, appointed by the governor under according to section 15.0597; two members of. Each of the four appointees must be a parent. At least one of them must be an American Indian, an Asian, a Black, or a Hispanic.

(3) The Minnesota association of secondary school principals selected by the association; and must appoint two of its members.

New language is indicated by underline, deletions by ~~strikeout~~.

(4) The remaining 14 members selected must be selected according to league bylaws. ~~The board shall establish and adopt policies, make decisions on behalf of the league, and establish advisory committees necessary to carry out board functions.~~

(b) The terms, compensation, removal of members, and the filling of membership vacancies are governed by section 15.0575. ~~Members of advisory committees shall be reimbursed only for expenses in the same manner as board members.~~

[129.122] DUTIES OF LEAGUE BOARD, RULES.

Subdivision 1. DECISIONS, POLICIES, ADVISORY COMMITTEES. The board shall establish and adopt policies, make decisions on behalf of the league, and establish advisory committees necessary to carry out board functions.

Subd. 2. CRITERIA FOR CONFERENCE ARRANGEMENTS. The board must develop criteria for the league to use when it is asked to arrange for membership in an interscholastic conference by a league member under section 129.124. The league must give notice and an opportunity for league members to be heard before adopting the criteria. The criteria must include, at least, the distance to be traveled by competing schools, the relative enrollments of the schools, and the comparability of extracurricular activities in the schools.

Subd. 3. RULES. The rules of the league ~~shall be~~ are exempt from ~~the provisions of~~ sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62.

[129.123] EXPENSE LIMITS.

Subdivision 1. EMPLOYEE EXPENSES. Employees of the league ~~shall~~ may be reimbursed only for expenses as authorized by the commissioner's plan for state employees adopted under section 43A.18, subdivision 2.

Subd. 2. NO CREDIT CARDS. The league is ~~specifically prohibited from~~ having ~~cannot have~~ credit cards.

Subd. 3. DIRECTOR'S EXPENSE ACCOUNT. The executive director of the league ~~shall~~ may have a department head expense account. The account is subject to the same limits and guidelines as those provided the same account for the commissioner of education. The executive director shall expend may spend money for entertainment or reimbursement of to entertain from this account only. The executive director may reimburse the expenses of guests of the league only from this account only.

Subd. 4. ADVISORY COMMITTEE PAY. A member of an advisory committee may be paid for expenses only. The only way the expenses may be reimbursed is in the same way board members' expenses are reimbursed.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 5. AUTO POLICY. The board shall establish must have a policy on the use of automobiles by league staff ~~and shall.~~ The board must show annually how league the policy on the use of automobiles is the most cost-effective alternative available.

[129.124] ARRANGING INTERSCHOLASTIC CONFERENCE MEMBERSHIP.

Subdivision 1. POLICY. The league may establish a policy to guide member high schools in forming or altering interscholastic conferences.

Subd. 1a. **REQUEST.** The league shall arrange membership for schools in athletic or other extracurricular conferences to the extent and in the manner provided by this subdivision. After notice and an opportunity for participation by league members at a public hearing, the league shall develop criteria to arrange membership in athletic or other extracurricular conferences for schools that make a written request pursuant to this subdivision. The criteria shall include, at least, the distance to be traveled by competing schools, the relative enrollments of the schools, and the comparability of athletic or other extracurricular activities in the schools.

Within 90 days after receiving a written request from a member high school, the league shall, following the criteria developed pursuant to this subdivision, arrange membership in an athletic or other extracurricular conference for any high school that (1) lacks membership in a conference because of involuntary exclusion from a conference or because of the dissolution of a conference and (2) has made its own good faith attempts for at least 180 days to obtain membership in a conference. The 180 days run from the date of the member school's first written request to join or rejoin a conference. When arranging conference membership for a school, the league shall notify the school seeking membership and all schools already in a proposed conference that, upon request of a notified school, a public hearing on the proposed conference membership will be held in a timely manner. The school seeking conference membership and the schools already in a proposed conference are bound by the league's final decision under this subdivision on a matter of conference membership. A league member high school that is not in a conference may ask the league to arrange membership for the league member in an interscholastic conference.

Subd. 2. REASON NOT IN CONFERENCE. The reason the member is not in a conference must be: (1) the conference was dissolved, or (2) the member was involuntarily excluded.

Subd. 3. PREREQUISITE: 180-DAY GOOD FAITH EFFORT. Before asking the league to arrange membership, the school must make a good faith attempt over at least 180 days to join a conference. The 180 days run from the date of the school's first written request to join or rejoin a conference.

Subd. 4. LEAGUE DEADLINE: 90 DAYS. The league must arrange the conference membership within 90 days after receiving a timely written request from a league member high school.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 5. MUST USE CRITERIA. The league must follow its criteria in arranging the conference membership.

Subd. 6. RIGHT TO HEARING, NOTICE. (a) The requesting school or a high school already in the conference that is the subject of the proposed arrangement may request a timely public hearing on the proposed arrangement.

(b) The league must notify the schools mentioned in paragraph (a) of the right to a hearing.

Subd. 7. DECISION IS BINDING. The league's final decision on a matter of conference membership under this section is binding on all of the schools required to be notified of the right to a hearing.

Subd. 8. OTHERWISE, CONFERENCES ARE VOLUNTARY. Except to the extent the league arranges conference membership under this section, an interscholastic conference of schools participating in activities delegated to the league may be formed and changed freely.

[129.125] AUDITS AND REPORTS BY STATE AUDITOR.

Subd. 2. Subdivision 1. DUES AND EVENTS REVENUE. Any school board is hereby authorized to expend money for and pay dues to the Minnesota state high school league and The state auditor annually must examine the accounts of, and audit all money paid to such, the state high school league as well as, by its members. The state auditor must also audit all money derived from any contest or other event sponsored by said the league, shall be subject to an annual examination and audit by the state auditor.

Subd. 2. FINANCIAL AND COMPLIANCE AUDIT TO LEGISLATURE. Each year by September 1, the state auditor shall must provide a financial and compliance audit to the legislature detailing, The audit must detail the general financial condition and general status of the league as of July 31 of the year preceding before the filing of the audit.

Subd. 3. COPIES. The state auditor must file copies of the audit report must be filed with the commissioner of education, the chairs of the house and senate education committees and the director of the legislative reference library.

Subd. 4. COVERAGE OF REPORT. The audit report must include the aggregate totals for all revenues and expenditures for the three preceding years and the current year and the three years before the current year and the percent and dollar difference in change from the year before each of these the four years. The following items must be audited in each instance: revenues Revenue items from student activities, membership dues, publications, registration of officials and judges, interest, automobile sales; and from other revenues sources including medals, refunds, and reimbursements; and expenditures must be audited annually. Expenditure items related to staff, the board of directors, student activities, capital outlay, and office and other expenditures purposes including membership services must be audited annually.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 5. LEAGUE TO PAY FOR AUDIT. The league must pay ~~the state auditor~~ for the costs of the audit.

[129.126] EMPLOYMENT.

~~Subd. 2a~~ Subdivision 1. EMPLOYMENT AFFIRMATIVE ACTION. The state high school league must adopt an affirmative action policy. The reason for the policy is to ensure that ~~employment positions jobs~~ within the league are equally accessible to all qualified persons and. The policy is also needed to eliminate ~~the underutilization underemployment by the league of the~~ protected groups as that are defined in section 43A.02, subdivision 33.

Subd. 2. RECRUITING. The league ~~shall~~ must actively and publicly recruit qualified people to become ~~its~~ employees of the league. ~~It shall~~ The league must give special emphasis to recruiting members of protected groups. The league ~~shall~~ must advertise available positions in newspapers of general circulation. The advertisement must contain a deadline for submitting applications that is at least 14 days after the date of the last advertisement. The league ~~shall~~ must keep each application for at least six months and ~~shall~~ must notify an applicant when a position, for which the applicant is qualified, becomes available.

~~Subd. 2b~~ 3. EQUITABLE COMPENSATION RELATIONSHIPS COMPARABLE WORTH. The league ~~shall be treated as is~~ a political subdivision ~~for purposes of under~~ sections 471.992 to 471.999, except that the league must report to the commissioner of employee relations by February 1, 1989, on its implementation plan. ~~No~~ A cause of action against the league ~~arises does not arise~~ before August 1, 1989, for failure to comply with ~~the requirements of~~ sections 471.992 to 471.999.

[129.127] LEAGUE IS SUBJECT TO DATA PRACTICES ACT.

~~Subd. 2e. DATA PRACTICES.~~ The collection, creation, receipt, maintenance, dissemination, or use of information by the state high school league is subject to ~~the provisions of~~ chapter 13.

[129.128] COMMISSIONER TO REPORT ON LEAGUE TO LEGISLATURE.

~~Subd. 3. Subdivision 1. ANNUALLY.~~ The commissioner of education ~~shall make a must report to the legislature on or before each regular session thereof, as to on~~ the activities of the league; and shall.

Subd. 2. URGE NEEDED LAWS. The commissioner must recommend to the legislature whether any legislation is made necessary by ~~its~~ league activities.

Subd. 4. Membership in the Minnesota state high school league ~~shall be open to any high school in Minnesota which satisfies compulsory attendance pursuant to section 120.10.~~

[129.129] LEAGUE MUST HAVE OPEN MEETINGS.

New language is indicated by underline, deletions by ~~strikeout~~.

~~Subd. 5.~~ For the purposes of section 471.705, the ~~Minnesota~~ state high school league ~~shall be deemed to be~~ is considered a state agency required by law to transact business in meetings open to the public.

Sec. 5. **EFFECT OF CHANGES.**

The legislature intends the changes in the language of the laws amended by this act to be exclusively changes in style. No change is intended to alter or shall be construed by a court or other authority to alter the meaning of a law.

If a section is amended by this act and also by another act adopted in 1988 and the amendments cannot be edited together in the next publication of Minnesota Statutes, the amendment by this act shall be without effect.

Sec. 6. **REPEALER.**

Minnesota Statutes 1988, sections 128.04, 128.06, 128.069, 128A.04, 129.02, 129.05, 129.06, 129.07, 129.08, 129.09, and 129.10, are repealed.

Presented to the governor May 19, 1989

Signed by the governor May 19, 1989, 11:54 p.m.

CHAPTER 221—H.F.No. 1502

An act relating to education; extending the authority of Pine Point experimental school; requiring the state auditor to audit the records of Pine Point school; requiring the department of education to evaluate continuation of the school; amending Minnesota Statutes 1988, sections 128B.09 and 128B.10.

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

Section 1. Minnesota Statutes 1988, section 128B.09, is amended to read:

128B.09 TERMINATION, TRANSFER BACK TO DISTRICT 309.

At any time before July 1, ~~1989~~ 1991, the experimental school may be terminated upon unanimous vote of the officers of the committee and 30 days notice to the board of district No. 309, whereupon the board of district No. 309 shall resume the care, management, and control of the entire district on July 1 following.

Sec. 2. Minnesota Statutes 1988, section 128B.10, is amended to read:

128B.10 REPEALER.

Subdivision 1. EXTENSION. This chapter is repealed July 1, ~~1989~~ 1991.

New language is indicated by underline, deletions by ~~strikeout~~.