

contests, forensics, dramatics and such other activities of any nature as in the opinion of the state teachers college board contribute to the educational, cultural, or physical well being of the student body.

Approved April 21, 1953.

CHAPTER 600—S. F. No. 1097

[Coded in part]

An act relating to and requiring reduction in the amount of special state aids to be paid school districts in certain cases; amending Minnesota Statutes 1949, Section 128.05.

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

Section 1. [128.061] Special state aids, computation. The amount of special state aids to which a school district is entitled shall be the amount computed according to statute except as that amount may be reduced under this act. The certificate made by the Commissioner of Education under Minnesota Statutes 1949, Section 128.18, Subdivision 2, shall show the amount of any reductions made hereunder.

Sec. 2. [128.062] Reduction in state aids, grounds. Whenever the school board of the district authorizes or permits within the district violations of law by

1. Employment in a public school of the district of a teacher who is not qualified as defined in Minnesota Statutes 1949, Section 120.03, or

2. Noncompliance with a mandatory rule or regulation of general application promulgated by the state board of education in accordance with statute in the absence of special circumstances making enforcement thereof inequitable contrary to the best interest of, or imposing an extraordinary hardship on, the district affected, or

3. Continued performance by the district of a contract made under Minnesota Statutes 1949, Section 125.06, Subdivision 5 or Subdivision 14, which has been disapproved where time for review of the determination of disapproval has expired and no proceeding for review is pending, or

4. Any practice which is a violation of Section 3 of Article VIII of the Constitution of the State of Minnesota, or

5. Failure to provide reasonably for the school attendance to which a resident pupil is entitled under Minnesota

Statutes 1949, Section 128.087, as required by Minnesota Statutes 1949, Section 128.07, Subdivision 5, as amended by Laws 1951, Chapter 705, Section 1, the special state aid to which a school district is otherwise entitled for any school year shall be reduced in the amount and upon the procedure provided in this act.

Sec. 3. [128.063] Notice of grounds. When it appears to the Commissioner of Education that one or more of the violations enumerated in Section 2 is occurring in a school district (whether or not authorized or knowingly permitted by the school board of the district) he shall forthwith notify the school board of that district in writing thereof. Such notice shall specify the violation, (or violations as the case may be) set a reasonable time within which the district shall correct the specified violation, describe the correction required, and advise that if the correction is not made within the time allowed special state aids to the district will be reduced under the provisions of this act. The time first allowed for correction may be extended by the Commissioner if there is a reasonable ground therefor.

Sec. 4. [128.064] Dispute by board. The school board to which such notice is given may by a majority vote of the whole board decide to dispute that the specified violation exists or that the Commissioner may reduce aids hereunder, in which case written notice of such decision shall be given the Commissioner, and if the Commissioner, after such further investigation as he deems necessary, adheres to his previous notice, such school board shall be entitled to a hearing by the state board of education, in which event a time and place shall be set therefor and notice be given by mail to the school board of the district. The state board shall adopt rules governing the proceedings for hearings under this act not inconsistent with the requirements hereof which shall be designed to give a full and fair hearing and permit interested parties an opportunity to produce evidence relating to the issues involved. Such rules may provide that any question of fact to be determined upon such review may be referred to one or more members of the board or to an employee of the state board of education acting as a referee to hear evidence and report to the state board the testimony taken. The state board, or any person designated to receive evidence upon a review under this act, shall have the same right to issue subpoenas and administer oaths and parties to the review shall have the same right to subpoenas issued as are accorded with respect to proceedings before the Industrial Commission under Minnesota Statutes 1949, Section 176.49. There shall be a stenographic record made of all testimony given and other proceedings during such hearing, and as far

as practicable rules governing reception of evidence in courts shall obtain. The decision of the state board shall be in writing and the controlling facts upon which the decision is made shall be stated in sufficient detail to apprise the parties in the reviewing court the basis and reason of the decision. The decision shall be confined to whether or not the specified violations or any of them existed at the date of the Commissioner's first notice, whether such violations as did exist were corrected within the time permitted, and whether such violations require reduction of the state aids under this act.

Sec. 5. [128.065] Correction of violation. If the violation specified is corrected within the time permitted, or if the Commissioner on being notified of the district board's decision to dispute decides such violation does not exist, or if the state board decides after hearing no violation specified in the Commissioner's notice existed at the time thereof, or that such as existed were corrected within the time permitted, there will be no reduction of special state aids payable to such school district; otherwise special state aids payable to the district for the year in which the violation occurred will be reduced as follows: The total amount of special state aids to which the district may be entitled will be reduced in the proportion that the period during which a specified violation continued, computed from the last day of the time permitted for correction, bears to the total number of days school is held in the district during the year in which such violation exists.

Sec. 6. [128.066] Reduction from basic aid. Reductions in special aid under this act shall be from basic aid allowed to the district affected, and if there is not sufficient basic aid remaining to be paid for the school year in which the violation which is the reason for reduction occurred at the time it is determined reduction is required, then the reduction shall be from the other special aids payable to the district for that year in the order in which special state aids are listed in Minnesota Statutes 1949, Section 128.084, unless the violation is for performance of a contract for transportation under Minnesota Statutes 1949, Section 125.06, Subdivision 14, which has been disapproved, in which case the primary reduction shall be from transportation aid, and if reduction is for several violations one of which is continued performance of such a contract, then transportation aid will be the primary fund for reduction in the proportion that the violation for performance of such a contract bears to the total number of violations involved. If there is not sufficient in amount of special state aids remaining payable to the district for the school year in which the violation or violations occurred to permit the full amount of reduction required, then that part of the required reduction

not taken from that school year's aids will be taken from the special state aids payable to the district for next school year, and the reduction will be made from the various aids payable for the next year in the order above specified.

Sec. 7. [128.067] **Certiorari by district court of decision of state board of education.** Decision of the state board of education under Section 4 may be reviewed on certiorari by the district court of the county wherein the school district, or any part thereof, is located.

Sec. 8. [128.068] **Notice, when deemed given.** Any notice to be given the school board of a school district will be deemed given when a copy thereof is mailed, registered, to the superintendent of the district, if there is a superintendent, and to the clerk of the school board of the district, unless it is shown that neither the superintendent nor the clerk in fact received such notice in the ordinary course of mail, in which event time for correction will be accordingly extended by the Commissioner so that a reasonable time will be allowed from actual receipt of notice for correction. If notice is sent by the Commissioner under Section 3 with respect to a violation which is continued by the district in a succeeding year, no separate notice for that violation for the succeeding year will be required, and proceedings initiated by such notice shall include any continuing violation notwithstanding that a part thereof occurs in a year different from that in which it started. The Commissioner may require reasonable proof of the time that a violation ceased for the determination of the amount of aids to be withheld. Costs and disbursements of the review under Section 7, exclusive of those incurred in the administrative proceedings, may be taxed against the losing party and in the event taxed against the state shall be paid as an expense of the Department of Education in the administration of special state aid.

Sec. 9. Minnesota Statutes 1949, Section 128.05, is amended to read:

128.05 **Special state aid fund, distribution.** The state board of education shall *supervise distribution of the special state aid fund in accordance with law. It may make rules and regulations consistent with law for such distribution which will enable school districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for such reports and accounts to it as will assure accurate and lawful apportionment of aids.* Public schools shall at all times be open to the inspection of the state board of education, and the accounts and records of any such

district shall be open to inspection by the public examiner upon request of the state board of education.

Sec. 10. This act shall not apply to any action pending in a court at the time of its enactment.

Approved April 21, 1953.

CHAPTER 601—S. F. No. 1100

[Coded]

An act relating to certain contract of school districts for rental of rooms or transportation of pupils.

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

Section 1. [125.181] **Contracts.** Subdivision 1. **Rental, transportation of pupils.** Any contract made by the school board of a school district (herein called district board) :

(a) under Minnesota Statutes 1949, Section 125.06, Subdivision 5, for the rental of rooms for school purposes, or

(b) under Minnesota Statutes 1949, Section 125.06, Subdivision 14, for the free transportation of pupils to and from school, or

(c) for the rental of any facility or facilities owned or operated by or under the direction of any private organization, shall be effective until disapproved by the commissioner of education (herein called the commissioner), and all such contracts shall be submitted to him for approval immediately after being signed by the parties.

Subd. 2. **Approval.** The commissioner shall approve each such contract unless it appears from the information available to him that :

(a) The amount to be paid by the school district concerned for the rooms or facilities rented, or for the transportation to be furnished, under such contract substantially exceeds the reasonable value thereof ;

(b) The rooms or facilities to be furnished are not reasonably required for or suitable to the operation of the schools of the district, or the transportation contracted for is not suitable to the requirements of the district ; or the contract does not provide adequately against any encroachment on or interference with the conduct of a public school, or