

EDUCATION**CHAPTER 120****DEPARTMENT OF EDUCATION**

NOTE: Provisions relating to education are controlled by the contract in Article 3 of the Northwest Ordinance of 1787, and Minnesota Constitution, Article 8.

The office of state superintendent of common schools was created by R. S. Ter. 1851, c. 4, art. 4. As revised by G.S. 1866, c. 36, s. 40, the secretary of state, ex-officio, served as superintendent. L. 1877, c. 74, subchapter 3, placed the department under a superintendent of public instruction. The state high school board was created by L. 1881, c. 144, and as amended, was entirely revised by L. 1899, c. 352. A state library commission was created by L. 1899, c. 353.

L. 1919, c. 334, created a department of education under the direction of a state board of education, to which was transferred all powers and duties of the superintendent of public instruction, the state high school board, and the state library commission. The board was directed to select a commissioner of education and certain department heads. The law was entirely revised by L. 1941, c. 169.

120.023 CONTRACTS WITH FEDERAL GOVERNMENT.

The Minnesota state board of education may make rules, and may contract with the federal government regarding public school aid, but may not legally disburse funds for private non-profit schools. OAG July 1, 1946 (159-B-11).

120.03 CONTRACTS TO BE IN WRITING.

Amended by L. 1947 c. 89 s. 1.

120.05 OFFICES; MAY APPOINT COMMISSIONER OF EDUCATION.

The power to appoint the commissioner of education, vested by statute in the state board of education, carries with it the power to remove such commissioner for cause, after due notice and hearing, notwithstanding his tenure of office is fixed by statute. State ex rel v State Board, 213 M 184, 6 NW(2d) 251.

120.06 STATE COMMISSIONER OF EDUCATION.

See, State ex rel v State Board, 213 M 184, 6 NW(2d) 251.

120.08 OFFICERS AND EMPLOYEES TO GIVE BONDS.

The duty of requiring and fixing the amount of officer's and employee's bonds remains with the board notwithstanding the provisions of L. 1943, c. 588, s. 1. OAG Oct. 26, 1943 (980-A-4).

120.09 SUPERVISOR OF PHYSICAL AND HEALTH EDUCATION AND TRAINING.

In so far as the duties of school nurses is confined to supervision of the health of pupils they are under the control of the state board of health; but if they give instruction to students or teach the subject of social hygiene in the schools, as to that they are under the supervision of the department of education. OAG July 7, 1943 (170-B).

120.11 FUNCTIONS, POWERS, AND DUTIES OF BOARD.

Indian children should be admitted and received in public schools and public institutions upon the same terms and conditions that apply to others, and whatever charges are made for keeping inmates at public institutions should apply to Indian children as well as tuition where the children attend school. OAG March 19, 1947 (240-S).

120.12 FORMS AND BLANKS.

Amended by L. 1947 c. 21 s. 1.

120.32 VOCATIONAL REHABILITATION.

Cooperation between the state board for vocational education, and the federal authority for vocational rehabilitation must be within the classes authorized by state law. OAG Jan. 4, 1944 (170-H).

Federal funds may be expended through the facilities of the state board of vocational rehabilitation. OAG March 1, 1944 (170-H).

120.33 PLAN OF COOPERATION TO BE FORMULATED.

See, notes under section 120.32.

120.34 INCAPACITATED PERSONS AIDED; COOPERATION.

No contract with a training agency may be entered into except with the approval of the applicable department and of the attorney general. OAG July 29, 1943 (170-H).