

CHAPTER 128

STATE AND FEDERAL SCHOOL AIDS

**128.01 STATE AID FUNDS; SOURCES.**

Amended by L. 1947 c. 633 s. 3.

In construing L. 1917, c. 437, it is held that it appropriates money for use during the two specific years mentioned but no part of the appropriation may be used to retire a deficit accruing in prior years. The court takes into the object or purpose of the act the events leading up to it, the history of the act through the legislature and modifications made during its course. *Mushel v Schulz*, 139 M 234, 166 NW 179.

**128.015 INCOME TAX MONEY MAY BE USED FOR CURRENT MAINTENANCE.**

Repealed by L. 1947 c. 633 s. 22.

**128.02 APPORTIONMENT OF ENDOWMENT FUND.**

Amended by L. 1947 c. 633 s. 4.

**128.03 APPORTIONMENT OF CURRENT SCHOOL FUND.**

Repealed by L. 1947 c. 633 s. 22.

**128.04 APPORTIONMENT.**

Subdivision 1, amended by L. 1947 c. 633 s. 5.

Subdivision 2, amended by L. 1947 c. 633 s. 6.

**128.05 DISTRIBUTION OF SPECIAL STATE AID FUND.**

Amended by L. 1947 c. 633 s. 7.

**128.07 TRANSPORTATION AID.**

Amended by L. 1947 c. 633 s. 8.

When a common school district provides school bus transportation service for its "non-resident" high school pupils, "family transportation" of one's own children to such high school cannot be charged to the district. *Perszyk v School District*, 212 M 513, 4 NW(2d) 321.

**128.08 TUITION.**

Repealed by L. 1947 c. 633 s. 22.

**128.081 DEFINITIONS.**

HISTORY. 1947 c. 633 s. 11.

**128.082 EQUALIZATION AID SCHEDULE.**

HISTORY. 1947 c. 633 s. 12.

State board of education has authority to make administrative rules splitting aid; and make an administrative rule that no aid will be paid for attendance of less than one month. 1944 OAG 125, May 11, 1943 (168).

# MINNESOTA STATUTES 1947 ANNOTATIONS

349

## STATE AND FEDERAL SCHOOL AIDS 128.11

It is within the discretion of a district as to whether or not it will accept non-resident pupils, and it may fix the amount of the tuition. If such tuition is paid from any source, the district is not entitled to state or supplemental aid for such child. OAG Feb. 8, 1945 (180d).

University of Minnesota high school is not embraced within the law relating to school districts, and a common school district in Hennepin county is not authorized to instruct its pupils in the University high school and pay sums authorized to be paid by section 128.08. OAG Aug. 29, 1946 (180-a).

An independent school district maintaining an adequate school has no authority to pay tuition for pupils residing in the district who attend laboratory school in state teachers college. OAG June 13, 1947 (180).

### **128.083 STATE AID ADJUSTMENTS.**

HISTORY. 1947 c. 633 s. 13.

### **128.084 AID APPORTIONMENT.**

HISTORY. 1947 c. 633 s. 14.

A school maintaining graded and high schools in order to qualify to receive supplemental aid must levy a tax for school maintenance of 30 mills on non-agricultural land, and the highest rate permitted on agricultural lands permitted by section 127.05 is not to exceed 30 mills. 1944 OAG 126, Dec. 7, 1943 (168-D).

In awarding supplemental aid the term "high school" means any of the five classified high schools specified in section 131.01. 1944 OAG 128, March 15, 1944 (168-D).

### **128.085 DATES OF AID PAYMENT.**

HISTORY. 1947 c. 633 s. 15.

### **128.086 CERTAIN LAWS NOT AFFECTED.**

HISTORY. 1947 c. 633 s. 19.

### **128.087 SECONDARY SCHOOL TUITION.**

HISTORY. 1947 c. 633 s. 20.

### **128.088 ALLOCATION OF AID.**

HISTORY. 1947 c. 633 s. 21.

The determination of the amount and the levy for the county school tax devolves upon the county board. Until money is available from tax levy, tuition must be paid from general fund. If necessary, money may be transferred from other funds to the general revenue fund. Transportation need not be inaugurated until the money is available. Bonds cannot be issued to replenish the general revenue fund. OAG July 18, 1947 (519-D).

### **128.09 AID FOR SCHOOL LIBRARIES.**

Repealed by L. 1947 c. 633 s. 22.

### **128.10 CLASSIFICATION AID.**

Repealed by L. 1947 c. 633 s. 22.

### **128.11 SUPPLEMENTAL AID; BASIS FOR COMPUTATION.**

Repealed by L. 1947 c. 633 s. 22.

# MINNESOTA STATUTES 1947 ANNOTATIONS

## 128.111 STATE AND FEDERAL SCHOOL AIDS

350

### **128.111 AID RECEIVED FROM FEDERAL GOVERNMENT NOT CHARGEABLE AGAINST SUPPLEMENTAL AID.**

Resident seventh and eighth grade pupils attending six year and junior high schools must be classified as high school pupils and as such entitled to applicable allowances. OAG March 15, 1944 (168-D).

### **128.12 STATE AID FOR VOCATIONAL EDUCATION.**

Repealed by L. 1947 c. 633 s. 22.

### **128.13 STATE AID FOR SPECIAL CLASSES FOR HANDICAPPED CHILDREN.**

Board by unanimous vote may provide for instruction in Michael Dowling School for a crippled child of the district who cannot be properly served in its own district. OAG Oct. 23, 1944 (169-D).

### **128.15 AID FOR TEACHER TRAINING IN HIGH SCHOOLS.**

Amended by L. 1947 c. 633 s. 9.

### **128.16 TRANSFER FROM CURRENT TO SPECIAL STATE FUND.**

Repealed by L. 1947 c. 633 s. 22.

### **128.17 PRORATION OF SPECIAL STATE AID FUND.**

Repealed by L. 1947 c. 633 s. 22.

### **128.18 PAYMENT OF SPECIAL STATE AID.**

The administrative head of a governmental department cannot escape a charge of inefficiency by delegating performance of a duty to inefficient subordinates and pleading that the inefficiency in question was that of the subordinate. *State ex rel v State Board*, 213 M 184, 6 NW(2d) 251.

### **128.19 UNUSED MONEY TO BE APPORTIONED.**

Repealed by L. 1947 c. 633 s. 22.

### **128.20 INCOME TAX SCHOOL FUND.**

Repealed by L. 1947 c. 633 s. 22.

### **128.22 GROSS EARNINGS AID; CERTAIN DISTRICTS.**

In determining number entitled to state aid, pupils in elementary and secondary schools are counted. Those in special departments and junior colleges are not. OAG Jan. 17, 1944 (168).

### **128.24 AID IN LIEU OF TAXES.**

Amended by L. 1947 c. 431 s. 1.

### **128.25 FEDERAL AID IN LIEU OF TAXES; NATIONAL FORESTS.**

The county board should establish a separate fund for moneys received from national forest lands and to be paid the school districts. The special fund so created should include only one-half of the county's share of receipts from the federal gov-

# MINNESOTA STATUTES 1947 ANNOTATIONS

351

STATE AND FEDERAL SCHOOL AIDS 128.311

ernment under the congressional act. The other half must, under the law, be expended for public roads. 1942 OAG 44, March 25, 1942 (159-a-10).

## **128.27 STATE BOARD OF EDUCATION TO ADMINISTER VOCATIONAL EDUCATION.**

Local school district maintaining authorized vocational classes may instruct in the processing and preserving of food. OAG March 8, 1945 (170-H).

## **128.31 VOCATIONAL AID; RULES GOVERNING DISBURSEMENT.**

The state board of vocational training outlines, determines, and directs the program of vocational education for all districts. OAG March 8, 1945 (170h).

## **128.311 ALLOTMENT OF STATE AND FEDERAL FUNDS FOR VOCATIONAL EDUCATION.**

HISTORY. 1947 c. 633 s. 10.