

CHAPTER 131

CLASSIFICATION AND CONDUCT OF SCHOOLS

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131.01 PUBLIC SCHOOLS. Subdivision 1. **Classification.** For the purpose of administration all public schools shall be classified under the following heads:

- (1) Elementary,
 - (a) Graded elementary,
 - (b) Ungraded elementary.
- (2) Secondary,
 - (a) Four year high,
 - (b) High school departments,
 - (c) Junior high,
 - (d) Senior high,
 - (e) Six-year high,
 - (f) A vocational school.
- (3) Junior Colleges.
- (4) Area vocational-technical school.

Subd. 2. Definitions. (1) An elementary school includes all schools below the grade of a high school.

(a) A graded elementary school shall be a school giving instruction in the first six years of the public school course and employing at least three teachers devoting their entire time to elementary school work, or a school giving instruction in the first eight years of the public school course, and employing at least four teachers devoting their entire time to elementary school work. In each such school one teacher may be designated as principal.

(b) An ungraded elementary school shall be a school giving instruction in the elementary course and employing one or more teachers but not having the rank of graded elementary school.

(2) A secondary school includes four-year high school; high school department; junior high school; senior high school; and six-year high school. A secondary school may include a vocational school.

(a) A four-year high school shall be a school giving one or more four-year courses beyond the eight-year elementary course, and which shall employ a superintendent, a high school principal, and one or more high school teachers.

(b) A high school department shall be a school giving instruction in high school subjects beyond the eight-year elementary course. Such high school department shall employ two or more qualified high school teachers to give instruction in such high school subjects, one of whom may be the superintendent of the high school department and the elementary school associated therewith.

(c) A junior high school shall be a school having a separate organization and employing a principal and two or more teachers giving instruction in the seventh, eighth, and ninth years of the 12 year public school course. It shall be located in a school district which employs a superintendent for the entire system of public schools in such school district.

(d) A senior high school shall be a school having a separate organization and employing a principal and two or more high school teachers giving instruction in the 10th, 11th and 12th years of the 12 year public school course. It shall be located in a school district which maintains a junior high school and which employs a superintendent for the entire system of public schools in such school district.

(e) A six-year high school shall be a school employing a superintendent, a high school principal, and three or more teachers giving instruction in grades seven to 12 inclusive of the public school course.

(f) A vocational school is a school offering approved vocational training either independently or in conjunction with any of the kinds of schools included in subdivision 1, clause (2).

(3) A junior college shall be a school organized according to sections 131.02 to 131.07.

(4) An area vocational-technical school is a school organized according to Minnesota Statutes 1945, Section 120.36, and may be included in subdivision 1, clauses (2), (3), and (4).

[1921 c. 467 s. 5; 1925 c. 282; 1925 c. 413; 1941 c. 169 art. 11 s. 1; 1947 c. 633 s. 16; 1949 c. 732 s. 9] (3026)

131.02 ESTABLISHMENT OF JUNIOR COLLEGES. Subdivision 1. **Application.** The school board of any independent or special school district may make application to the state board of education to establish and maintain a department of junior college work, to consist of not more than two years' work beyond the twelfth year of the public school curriculum. Such application shall contain such data as the state board of education may require.

Subd. 2. **Survey.** Upon receipt of such application the state board of education shall make a careful survey of the need, ability, and facilities of such school district to establish and maintain a junior college.

Subd. 3. **Approval by voters.** If the state board of education approve such application, the school board of such district shall submit the question of the establishment of such junior college to the voters at a general or special election, preceded by notice stating that such proposition is to be there acted upon.

Subd. 4. **Establishment after approval.** If the establishment of a junior college is authorized by a two-thirds vote of the electors voting thereon the school board of such school district shall take the necessary steps to establish and maintain such junior college.

Subd. 5. **School districts may cooperate.** Two or more school districts may cooperate in the establishment and maintenance of a junior college under the procedure as indicated for the establishment and maintenance of a junior college in a single district. The application submitted to the state board of education shall include a statement of the procedure adopted by the school boards of the districts concerned for the establishment and maintenance of such junior college and the proposition, as approved by the state board of education, be authorized by a two-thirds vote of the electors in each district voting thereon.

Subd. 6. **Proposition of cooperation to be approved by school board.** Two or more school districts may cooperate in the maintenance of a junior college already established, or established pursuant to sections 131.02 to 131.07, under the procedure as indicated in this section. The proposition may be approved by the school board of the district in which such junior college is located and need not be referred to the electorate of such district.

[1925 c. 103 s. 1; 1927 c. 44 s. 1; 1939 c. 281 s. 1; 1941 c. 169 art. 11 s. 2] (2992-1)

131.03 DISCONTINUANCE OF JUNIOR COLLEGES. Any school district maintaining a junior college may discontinue such junior college at the close of any school year by a majority vote of all members of the school board in such district, provided such action is taken before April 1 of that school year. Any school district cooperating with one or more school districts in the maintenance of a junior college may discontinue such cooperative arrangement at the close of any school year by a majority vote of all members of the school board in such district, provided such action is taken before March 1 of that school year.

[1925 c. 103 s. 2; 1939 c. 281 s. 2; 1941 c. 169 art. 11 s. 3] (2992-2)

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131.04 SUPERVISION OF JUNIOR COLLEGES. The state board of education shall have the same supervision, control, and powers over any such junior college when established hereunder as it now has over other departments of the public school system of the state.

[1925 c. 103 s. 3; 1939 c. 281 s. 3; 1941 c. 169 art. 11 s. 4] (2992-3)

131.05 JUNIOR COLLEGES TO USE EXISTING BUILDINGS AND EQUIPMENT. Any school board in a district maintaining a junior college or cooperating with one or more school boards of other school districts in the maintenance of a junior college shall have authority to make use of any existing buildings or equipment, or may provide any necessary building or equipment for the establishment and maintenance of any such junior college.

[1927 c. 268 s. 2; 1939 c. 281 s. 4; 1941 c. 169 art. 11 s. 5] (2992-4)

131.06 TUITION IN JUNIOR COLLEGES. The school board having control of any such junior college, on or before August 15 in each year, shall determine and fix the rate of tuition, if any, required to be paid by pupils attending such department, which tuition shall be paid by the pupils attending such junior college or by the school districts in which such pupils are legal residents.

[1925 c. 103 s. 4; 1927 c. 44 s. 2; 1939 c. 281 s. 5; 1941 c. 169 art. 11 s. 6] (2992-5)

131.07 TRANSPORTATION OF JUNIOR COLLEGE STUDENTS. The school board of any school district may provide transportation for students residing in such district who are attending a junior college. When it is not feasible to transport students to a junior college the school board in any school district may pay for board and room of such students attending a junior college.

[1927 c. 268 s. 1; 1939 c. 281 s. 6; 1941 c. 169 art. 11 s. 7] (2992-6)

131.08 SPECIAL CLASSES, DEAF CHILDREN. Upon application of any school district, complying with the provisions of this section and section 128.13, made to the state commissioner of education, he may grant permission to such district to establish and maintain within its limits one or more schools for the instruction of deaf children who are residents of the state. The state commissioner of education may designate any member of his staff as an inspector to visit and note the progress of such schools and classes as provided for in sections 131.08 to 131.12.

Permission to establish such special classes may be granted to districts which have an actual attendance of not less than five deaf children, over four and not exceeding the maximum school age, who may come under the provisions of this section.

Blind children, defective speech children, and mentally subnormal children are not to be admitted to the same class with deaf children but must each have separate classes and separate teachers.

[1915 c. 194 s. 1; 1919 c. 218; 1923 c. 228; 1941 c. 169 art. 11 s. 8] (2894)

131.09 SPECIAL CLASSES, BLIND CHILDREN. Upon application made to the state commissioner of education by any school district, complying with the provisions of this section and section 128.13, the commissioner may grant permission to such district to establish and maintain within its limits one or more classes for the instruction of blind children who are residents of the state.

Permission to establish such special classes shall be granted to aforesaid districts which have an actual attendance of not less than five blind children of school age, who may come under the provisions of this section. When the parents or guardians of eight blind children of school age in any one district shall petition the school board in writing for the establishment of such class and actually enroll these children in the school of the district, it shall be mandatory upon such district to establish such special class, subject to approval by the commissioner of education, as required herein, and nothing in this section shall be construed as preventing parents of any such children from sending their children to the Minnesota Braille and sight-saving school, if they so elect.

For the purpose of this section, any person of sound mind, who by reason of defective sight, cannot profitably or safely be educated in the public school as other children, shall be considered blind, and, after the establishment of such classes by any school district, the compulsory school laws of this state shall be deemed to apply to such children of school age.

[1915 c. 194 s. 2; 1919 c. 129; 1921 c. 366; 1923 c. 409; 1941 c. 169 art. 11 s. 9] (2895)

131.10 SPECIAL CLASSES, CHILDREN WITH DEFECTIVE SPEECH. Upon application made to the state commissioner of education, by any school district com-

plying with the provisions of section 128.13, he may grant permission to such district to establish and maintain within its limits one or more classes for the instruction of children with defective speech who are residents of the state, provided that there shall not be less than five children with defective speech of school age in actual attendance.

[1915 c. 194 ss. 3, 5; 1919 c. 129; 1921 c. 467 s. 17; 1941 c. 169 art. 11 s. 10] (2896, 2898)

131.11 SPECIAL CLASSES, MENTALLY RETARDED CHILDREN. Upon application made to the state commissioner of education, by any school district complying with the provisions of section 128.13, he may grant permission to such district to establish and maintain within its limits one or more classes for the instruction of mentally subnormal children who are residents of the state, provided there shall not be less than five mentally subnormal children of school age in actual attendance.

[1915 c. 194 ss. 4, 5; 1919 c. 129; 1941 c. 169 art. 11 s. 11] (2897, 2898)

131.12 SPECIAL CLASSES; CRIPPLED CHILDREN. Upon application made to him by any school district complying with the provisions of this section and section 128.13, the commissioner of education may grant permission to such district to establish and maintain within or beyond its limits one or more classes for the instruction of crippled children over four years of age who are residents of the state, and to provide for instruction in the home or in a hospital or sanatorium for crippled children who are not in physical condition to attend such special classes.

For the purposes of this section, any child of school age, other than one of defective hearing or speech is physically impaired in body or limb and so that he cannot profitably or safely be educated in the regular classes as are other children, but who is mentally capable of benefiting by such training, as determined by the standards of the state board of education, is considered crippled and is required to attend such classes, unless excused because of any conditions making attendance undesirable, or to receive such instruction in the home or in a hospital or sanatorium.

[1921 c. 141 s. 1; 1941 c. 169 art. 11 s. 12; 1943 c. 251 s. 1; 1943 c. 498 s. 2; 1949 c. 393 s. 1] (2899)

131.13 PHYSICAL AND HEALTH EDUCATION. Subdivision 1. **Instruction required in public schools.** There shall be established and provided in all the public schools of this state, physical and health education, training, and instruction of pupils of both sexes. Every pupil attending any such school, in so far as he or she is physically fit and able to do so, shall take the courses provided by this section and section 120.11, subdivision 14. Suitable modified courses shall be provided for students physically or mentally unable or unfit to take the courses prescribed for normal pupils. Nothing in this section or in section 120.11, subdivision 14, shall be held or construed to require any pupil to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil that he objects to such physical or medical examination or treatment; provided that high school students in the junior and senior years need not take the course unless required by the local school authorities.

Subdivision 2. **Training of teachers.** All colleges, schools, and other educational institutions in this state giving teacher training shall provide courses in physical and health education, training, and instruction and every pupil attending any such college, school, or educational institution in preparation for teaching service shall take such courses.

[1923 c. 323 ss. 1, 2; 1941 c. 169 art. 11 s. 13] (3073, 3074)

131.14 INSTRUCTION IN MORALS. The teachers in all public schools shall give instruction in morals, in physiology and hygiene, and in the effects of narcotics and stimulants.

[R. L. s. 1347; 1941 c. 169 art. 11 s. 14] (2906)

131.15 INSTRUCTION AS TO EFFECT OF ALCOHOL ON HUMAN SYSTEM. The state department of education is authorized and directed to prepare a course of instruction relating to the effects of alcohol upon the human system, upon character, and upon society. Such course of instruction shall be used in all public schools of the state.

[Ex. 1934 c. 43 s. 1; 1941 c. 169 art. 11 s. 15] (2883-6)

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131.151 COURSES IN EFFECTS OF NARCOTICS AND ALCOHOL IN TEACHER TRAINING SCHOOLS. All educational institutions in Minnesota giving teacher training shall offer courses in the effects of narcotics and alcohol upon the human system, upon character, and upon society, and every student attending such institution in preparation for teaching service shall be required to take and to satisfactorily complete such courses.

[1948 c. 584 s. 1]

131.16 DECLARATION OF INDEPENDENCE AND CONSTITUTION. In the eighth grade and in the high school grades of all public schools and in the corresponding grades in all other schools within the state, and in the educational departments of state and municipal institutions, there shall be given regular courses of instruction in the Declaration of Independence and the Constitution of the United States, to the extent to be determined by the state commissioner of education.

[1923 c. 291 s. 1; 1941 c. 169 art. 11 s. 16] (2881)

131.17 INSTRUCTION, USE OF ENGLISH LANGUAGE. The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; and in high and graded elementary schools other languages may be taught, when made a part of a regular or optional course of study. Instruction may be given in such languages in elementary grades, not to exceed one hour in each day, by unanimous vote of the school board.

[R. L. s. 1338; 1941 c. 169 art. 11 s. 17] (2873)

131.18 PATRIOTIC EXERCISES. In all of the ungraded, graded elementary and high schools of this state it shall be the duty of the superintendent or teachers in charge of such schools to teach and require the teaching therein, on at least one day out of each week, of subjects and exercises tending and calculated to encourage and inculcate a spirit of patriotism in the pupils and students.

Such exercises shall consist of the singing of patriotic songs, readings from American history and from the biographies of American statesmen and patriots, and such other patriotic exercises as the superintendent or teachers of such schools may determine.

The time to be spent thereon on each of these days shall not exceed one-half hour.

[1917 c. 108 s. 1; 1941 c. 169 art. 11 s. 18] (2880)

131.19 MINNESOTA DAY. May 11 is hereby designated as Minnesota Day and when it does not fall on a school day, the school day nearest such day is designated as Minnesota Day. On that day all the public schools of this state shall give special attention to exercises devoted to matters of interest appertaining to the state of Minnesota and its geography, history, industries, and resources.

[1911 c. 81 ss. 1, 2; 1941 c. 169 art. 11 s. 19] (2878, 2879)

131.20 SPECIAL DAYS. The following days or the school days nearest such days are hereby designated for special observance in the public schools of the state: September 28 as Frances Willard Day, October 9 as Leif Erikson Day, and February 15 as Susan B. Anthony Day. On such days one-half hour may be devoted in the schools to instruction and appropriate exercises relative to and in commemoration of the life and history of the respective persons and the principles and ideals they fostered.

[1921 c. 414 s. 1; 1931 c. 120; 1931 c. 175; 1941 c. 169 art. 11 s. 20; 1947 c. 324 s. 1] (2883-1, 2883-2)

131.21 LENGTH OF SCHOOL TERM. The school shall be maintained not less than nine months, but this provision shall not apply to night schools or kindergartens. The school month shall consist of four weeks. Every Saturday shall be a school holiday and all legal holidays shall be counted as part of the school week.

[R. L. s. 1337; 1923 c. 321; 1941 c. 169 art. 11 s. 21; 1947 c. 633 s. 17] (2872)

131.22 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS. The governing body of any school district may contract with any of the teachers thereof for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: Lincoln's and Washington's birthdays, Columbus day and Armistice day, provided that on Washington's birthday, Lincoln's birthday, and Armistice day at least one hour of the school program be devoted to a patriotic observance of the day.

[1927 c. 239 s. 1; 1941 c. 169 art. 11 s. 22; 1947 c. 198 s. 1] (2872-1)

131.23 UNITED STATES FLAG. Subdivision 1. Displayed by schools. There shall be displayed at every public school in Minnesota when in session an appropriate United States flag. Such display shall be upon the schools grounds or outside the school building, upon a proper staff, on every legal holiday occurring during the school term and at such other times as the respective boards of such school districts may direct and within the principal rooms of such school building at all other times while the same is in session.

Subd. 2. School boards to provide flags and staffs. It shall be the duty of each school board and board of education to provide such flag for each of the school buildings of their respective districts, together with a suitable staff for the display thereof outside of such school building and proper arrangement for the display thereof within such building, and a suitable receptacle for the safe-keeping of such flag when not in use, as by this section directed, at all times.

[1917 c. 313 ss. 1, 2; 1941 c. 169 art. 11 s. 23] (2882, 2883)

131.24 SCHOOL SAFETY PATROLS. Subdivision 1. Authority to establish. In the exercise of authorized control and supervision over pupils attending schools and other educational institutions, both public and private, the governing board or other directing authority of any such school or institution is empowered to authorize the organization and supervision of school safety patrols for the purpose of influencing and encouraging other pupils to refrain from crossing public highways at points other than regular crossings and for the purpose of directing pupils when and where to cross highways.

Subd. 2. Appointment of members. Unless the parents or guardian of a pupil object in writing to the school authorities to the appointment of a child or ward on such a school safety patrol, it shall be lawful for any pupil over ten years of age to be appointed and designated as a member thereof.

Subd. 3. Liability not to attach. No liability shall attach either to the school, educational institution, governing board, directing authority, or any individual director, trustee, superintendent, principal, teacher, or other school authority by virtue of the organization, maintenance, or operation of such a school safety patrol because of injuries sustained by any pupil, whether a member of the patrol or otherwise by reason of the operation and maintenance thereof.

[1933 c. 23 ss. 1, 2, 3; 1941 c. 169 art. 11 s. 24] (2883-3, 2883-4, 2883-5)

131.25 SECRET FRATERNITIES AND SOCIETIES. Subdivision 1. Membership regulated. It shall be unlawful for any pupil, registered as such and attending any public elementary, high school, junior college, or vocational school, which is partially or wholly maintained by public funds, to join, become a member of, or to solicit any other pupil of any such school to join, or become a member of, any secret fraternity or society wholly or partially formed from the membership of pupils attending any such schools or to take part in the organization or formation of any such fraternity or society, except such societies or associations as are sanctioned by the school boards of such schools.

Subd. 2. Rules and regulations. The school boards of all such schools shall enforce the provisions of this section and have full power and authority to make, adopt, and modify all rules and regulations which, in their judgment and discretion, may be necessary for the proper governing of such schools and enforcing all the provisions of this section.

Subd. 3. Penalties. The school boards of such schools shall have full power and authority, pursuant to the adoption of such rules and regulations made and adopted by them, to suspend or dismiss any pupil of such schools therefrom, or to prevent them, or any of them, from graduating or participating in school honors when, after investigation, in the judgment of such school boards, or a majority of their membership, such pupil is guilty of violating any of the provisions of this section or is guilty of violating any rule or regulation adopted by such school boards for the purpose of governing such schools or enforcing this section.

Subd. 4. "Rushing" or soliciting forbidden. It is hereby made a misdemeanor for any person, not a pupil of such schools, to be upon the school grounds, or to enter any school building, for the purpose of "rushing" or soliciting, while there, any pupil of such schools to join any fraternity, society, or association organized outside of the schools. All municipal courts and justice courts in this state

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shall have jurisdiction of all offenses committed under this subdivision and all persons found guilty of such offenses shall be fined not less than \$2.00, nor more than \$10.00, to be paid to the city or village treasurer, when such schools are situated inside of the corporate limits of any city or village, and to the county treasurer, when situated outside of the corporate limits of any city or village, or, upon failure to pay such fine, to be imprisoned for not more than ten days.

[1907 c. 149 ss. 1, 2, 3, 4; 1941 c. 169 art. 11 s. 25] (2874, 2875, 2876, 2877)

131.26 INSURANCE LAWS NOT APPLICABLE TO CERTAIN ASSOCIATIONS. The insurance laws of this state shall not apply to non-profit benefit and relief associations formed by public schools or officers of public schools or the Minnesota State High School League, the privileges of which and applications for membership in which are confined to pupils of the schools, and the benefits and relief to be derived therefrom are limited to pupils injured or disabled from participation in school athletics or any supervised school activity.

[1949 c. 94 s. 1]