

DEPARTMENTS, AGENCIES

Education

CHAPTER 120

STATE DEPARTMENT OF EDUCATION

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**120.01 STATE BOARD OF EDUCATION.** A state department of education is hereby created which shall be maintained under the direction of a state board of education composed of seven representative citizens of the state, no more than one of whom shall reside in the same congressional district at the time of his appointment.

The members of the state board of education shall be appointed by the governor, by and with the approval of the senate, for a term of seven years and hold office until their successors are qualified. Not later than June 1, 1951, the governor shall appoint one member whose term expires January 1, 1956, and one member whose term expires January 1, 1957. Members now holding office shall continue to hold office until the terms for which they were appointed expire. As the term of each such member expires the governor shall appoint a successor according to the following schedule: January 1, 1952, one member whose term expires January 1, 1958, and one member whose term expires January 1, 1959; January 1, 1954, one member whose term expires January 1, 1960, and one member whose term expires January 1, 1961; from and after January 1, 1955, one member shall be appointed each year for a term of seven years. All vacancies in the board shall be filled for unexpired terms by appointments by the governor. The members of the board shall receive as compensation for their services the sum of \$15 per day for each day actually spent in the performance of their duties and all necessary expenses incurred in the performance of their duties. One member shall be chosen annually as president, but no member shall serve as president more than three years during any term. The board shall hold its annual meeting at the state capitol on the first Tuesday in August. It shall hold quarterly meetings and may hold special meetings on such dates and at such places as it designates. No member shall hold any other office under the state except that of notary public, or be employed in any state institution.

[1919 c 334 s 1; 1925 c 426 art 10 s 1; 1941 c 169 art 1 s 1; 1951 c 491 s 1] (59-35, 2958)

5022911012  
**120.02 OATH.** Before entering upon the duties of his office each member of the state board of education shall take an oath of office which shall be filed with the secretary of state.

[1919 c. 334 s. 2; 1941 c. 169 art. 1 s. 2] (2959)

**120.021 MEMBERSHIP IN CERTAIN ORGANIZATIONS.** The state board of education may become a member of the Council of Chief State School Officers, an association of state departments of education, and pay membership dues and contribute to the association for services rendered to the state department of education on the basis of actual and necessary expenses incurred by the council in preparing these services.

[1957 c 86 s 1]

**120.023 CONTRACTS WITH FEDERAL GOVERNMENT.** Subdivision 1. **Regulations governing.** The state board of education shall prescribe regulations under which contracts, agreements, or arrangements may be made with agencies of the federal government for funds, services, commodities, or equipment to be made available to the public tax-supported schools, school systems and educational institutions under the supervision or control of the state board of education.

Subd. 2. **Rules prescribed by state board.** All contracts, agreements or arrangements made by public tax-supported schools, school systems or educational institutions under the supervision or control of the state board of education involving funds, services, commodities, or equipment which may be provided by agencies of the federal government; shall be entered into in accordance with regulations prescribed by the said board of education and in no other manner.

[1945 c. 371 ss. 1, 2]

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**120.03 CONTRACTS TO BE IN WRITING.** All contracts made by the board shall be in writing and signed by its executive officer.

[1919 c. 334 s. 2; 1941 c. 169 art. 1 s. 3; 1947 c. 89 s. 1] (2959)

5022911014  
**120.04 ORGANIZATION AND RULES.** The state board of education is authorized to make complete organization of the department of education and to adopt all necessary rules not in conflict with the provisions of law for the conduct of its affairs; and shall have authority to define the duties of appointees and employees to the end that the educational and business activities of the department of education shall be conducted under reasonable and effective regulations which shall promote the educational interest of the state and safeguard the finances appropriated for the support thereof.

[1919 c. 334 s. 3; 1941 c. 169 art. 1 s. 4] (2960)

5022911015  
**120.05 COMMISSIONER OF EDUCATION; OFFICES.** The state board of education shall be provided with suitable offices at the seat of government, and may provide all records, files, and office supplies required in the transaction of its business. It shall have the power to appoint a commissioner of education, and other necessary employees subject to the provisions of the civil service law and the amount appropriated by the legislature for that purpose. The board shall designate the working title of each employee except that of the commissioner of education.

[1919 c 334 s 4; 1941 c 169 art 1 s 5; 1949 c 739 s 4; 1951 c 713 s 13] (2961)

5022911016  
**120.06 STATE COMMISSIONER OF EDUCATION.** The state board of education shall elect a state commissioner of education who shall be the executive officer and secretary of the board and whose term of office shall be six years. He shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this chapter. The term of service of the first commissioner of education shall begin August 1, 1919. The commissioner of education shall have authority to nominate, for approval by the state board of education, such officials and employees as may be necessary to perfect and to maintain the organization of the department of education as recommended by him and as adopted by the state board of education. He shall perform such duties as the law and the rules of the state board of education may provide and be held responsible for the efficient administration and discipline of the various offices and divisions in the organization of the department of education. He shall be required to make recommendations to the state board of education which shall facilitate all of the work of the board, and he shall be charged with the execution of powers and duties which

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the state board of education may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the board to carry out conclusively the provisions of this chapter.

[1919 c. 334 s. 5; 1941 c. 169 art. 1 s. 6] (2962)

671a.117 **120.07 ADMINISTRATION; EXCEPTIONS.** The state board of education shall administer all laws relating to the state commissioner of education, libraries, and other public educational institutions, except such laws as may relate to the state university and to the state colleges.

[1919 c. 334 s. 6; 1941 c. 169 art. 1 s. 7; 1957 c. 576 s. 1, 2] (2963)

671a.118 **120.08 OFFICERS AND EMPLOYEES TO GIVE BONDS.** The state board of education shall require all officers and employees under its control, who may be charged with any money or property belonging to the state, to give bond to the state in such sum as it may direct and each bond shall be approved and filed as provided in section 574.02.

[1919 c. 334 s. 10; 1941 c. 169 art. 1 s. 8] (2967)

671a.119 **120.09 SUPERVISOR OF PHYSICAL AND HEALTH EDUCATION AND TRAINING.** The state board of education shall appoint a supervisor of physical and health education and training competent and qualified to, and who shall, under the commissioner of education, administer, supervise, and direct the program of physical and health education and training, provided for in section 120.11, subdivision 14, and section 131.13.

[1923 c. 323 s. 4; 1941 c. 169 art. 1 s. 9] (3076)

671a.120 **120.10 TRAVELING EXPENSES.** The members of the state board of education and persons appointed by it shall receive their necessary expenses for traveling and other incidental expenses incurred in connection with their official duties to be paid from appropriations made for such purposes.

[1913 c. 550 s. 3; 1941 c. 169 art. 1 s. 10] (2962-1)

671a.121 **120.11 FUNCTIONS, POWERS, AND DUTIES OF BOARD.** Subdivision 1. **Prior functions, powers, and duties.** All the functions, powers, and duties which were, prior to the passage of Laws 1919, Chapter 334, by law vested in, or exercised by, the state superintendent and his appointees, the state high school board and its appointees, and the state library commission and its appointees are hereby vested in, and shall be exercised by, the state board of education and it shall serve as the state board for vocational education.

Subd. 2. **Certificates issued.** The state board of education shall, under the laws prescribed therefor, issue all certificates to all persons employed in a public school to give instruction or supervision of teaching.

Subd. 3. **High school areas.** (1) To facilitate and control the transportation of nonresident pupils, the state board of education shall divide the state into high school areas and the state board shall continue the administration of the legal provisions and regulations regarding areas. Each area shall contain at least one classified public secondary school and such school districts and parts of districts as may conveniently be served by the secondary school. Upon a vote of its governing board any part of a school district or the whole thereof may be transferred to an adjoining school area of any district containing a classified public secondary school, if that district is willing to have such district assigned to its area; but the voters of the district or part of a school district to be transferred by the governing board of their district, may call a special election to decide which school area they desire to join, and provided that if such pupils are not transported to the nearest high school, the aid shall be limited to the amount which would be paid if they were transported to such high school. After such election, or vote of the board, the school board of the district having voted on such transfer shall report to the state board of education the results of the election for the purpose of recording the transfers.

(2) The state board of education may formulate such rules as may be necessary for establishing, maintaining, and administering such school areas including kind of petition forms to be used, the final date for filing petitions, defining procedures in processing of petitions, method of conducting hearings and approval of routes served by buses which operate entirely within the school area of the secondary school served.

(3) The state board of education may appoint county advisory committees, composed of superintendents of the secondary schools having territory within the county, an equal number of common school board members and the county superintendent who shall serve as the executive secretary and to assign to them specific

duties for assisting in establishing and maintaining the boundaries of the school areas and in the transferring of the territory from one school area to another and in carrying out the rules pertaining to such school areas and the transportation of nonresident pupils. These rules do not deny to any parent the right to transport or to provide for the transportation of his children at his own expense to the secondary school of any district willing to receive them. Any school district submitting a petition for the transfer of the district or a part of the district shall have the right of a hearing before the county advisory committee and the state board of education. The county advisory committee shall submit to the state board of education for final action its recommendations with supporting evidence concerning the petitions for transfer of territory from one school area to another.

(4) The high school areas, as approved by the state board of education and on file as of July 1, 1953, or as amended thereafter, are the official designated school areas of the state. The state board of education shall keep maps showing the official school area boundaries within the state.

**Subd. 4. No competition for students.** The state board of education shall formulate such rules and regulations as may be necessary to the end that there shall be no competition between school districts for the enrollment of students.

**Subd. 5. Uniform system of records and of accounting.** The state board of education shall prepare a uniform system of records for public schools, require reports from county and other superintendents and principals of schools, teachers, school officers, and the chief officers of public and other educational institutions, to give such facts as it may deem of public value. With the cooperation of the public examiner, it shall establish and carry into effect a uniform system of accounting by public school officers and it shall have authority to supervise and examine the accounts and other records of all public schools.

**Subd. 6. Visitorial powers and duties.** Authorized representatives of the state board of education shall visit the elementary and secondary schools and junior colleges and report their findings and recommendations.

**Subd. 7. General supervision over educational agencies.** The state board of education shall exercise general supervision over public schools and public educational agencies in the state, classify and standardize public elementary and secondary schools, and prepare for them outlines and suggestive courses of study. The board shall establish rules relating to examinations, reports, acceptances of schools, courses of study, and other proceedings in connection with elementary and secondary schools applying for special state aid.

**Subd. 8. Examinations in elementary schools.** In order to insure satisfactory completion of subjects in the elementary field, the state board of education may require that examinations be given in any elementary school, such examinations to be designated or prepared under the direction of the state board of education. The purchase and distribution of examinations, as provided herein, shall be in accordance with section 120.12.

**Subd. 9. Uniform forms for state examinations.** Upon the request of any superintendent of any public or private school teaching high school courses in the state, the state board of education shall designate or prepare uniform forms for state examinations in each high school subject during the month of May of each year; such request shall be in writing and delivered to the commissioner of education before January first of such year. The purchase and distribution of examinations, as provided herein, shall be in accordance with section 120.12.

**Subd. 10. Examination of other schools.** Under such rules as may be prescribed by the state board of education, the county superintendent of schools shall conduct the state board of education examinations in the schools of his county other than high and graded. For this purpose he shall hold the same relation to the state board of education as the superintendent or principal of a district maintaining a graded elementary or high school. He may designate the points at which such examinations are to be held. He may appoint assistants for grading the papers of such examinations and such assistants shall be paid by the county at the rate of \$3 per day but the number of assistants shall not exceed one for each 20 schools, or major fraction thereof, in the county nor shall the amount of money expended for this purpose exceed \$100 in any one year. The superintendent of schools of the county in which the examinations are given may extend the privileges of such

examination to any school in his county in which there is maintained the standards of length of term and course of study prescribed for the public schools of like grade in the county.

**Subd. 11. Indians; contracts with United States department of the interior.** The state board of education is hereby authorized to enter into contracts with the United States department of the interior for the education of Indians in Minnesota, to receive grants of money from the federal government, and to disburse the same in accordance with the terms of the contract and such rules and standards as the state board of education may establish.

**Subd. 12. Evening schools under state board; investigations.** The public evening schools established under the provisions of section 128.14 and the general conduct thereof shall be under the direction and control of the state board of education and it is hereby authorized and directed to make such investigations as may be necessary to advance the purposes of section 128.14 and to carry out its provisions.

**Subd. 13. Examination and approval of plans and specifications for school buildings.** The state board of education shall prescribe rules for school sites and for the mechanical equipment, erection, enlargement, and change of school buildings. All plans and specifications for the erection, enlargement, and change of school buildings shall first be submitted to the state department of education for approval before the contract is let and no new school buildings shall be erected or any building enlarged or changed until the plans and specifications have been submitted to, and approved by, the state department of education. The state board of education shall include in such rules those made, from time to time, by the state board of health relative to sanitary standards for toilets, water supply, and disposal of sewage in public school buildings. In all other respects the authority to make rules for public school buildings shall be vested in the state board of education, which shall have power to prepare and furnish to local school boards plans and specifications for school buildings of two classrooms or less. Under such rules and procedure as the state board of education shall prescribe, the state department of education may condemn school buildings and sites which are unfit or unsafe for use as such.

**Subd. 14. Supervision.** The commissioner of education shall supervise the administration of section 120.09 and section 131.13, under such rules and regulations as may be established by the state board of education, which shall prescribe the necessary course or courses in physical and health education, training, and instruction and make such rules and regulations and prepare, or cause to be prepared, published, and distributed any such manual or manuals of instruction, or course or courses of study, or other matter as the state board of education may deem necessary or suitable to carry out the provisions thereof.

[R. L. ss. 1391, 1393, 1394, 2252, 2253, 2254; G. S. 1913 ss. 2891, 2892; 1909 c. 188 s. 1; 1913 c. 550 ss. 4, 5, 6; 1917 c. 356 ss. 1, 2; 1919 c. 278 s. 1; 1919 c. 334 s. 6; 1921 c. 350 ss. 1, 2; 1925 c. 233; 1937 c. 139 s. 1; Ex. 1937 c. 81 s. 6; 1939 c. 162; 1939 c. 172; 1939 c. 437 s. 7; 1941 c. 169 art. 1 s. 11; 1943 c. 454 s. 1; 1955 c. 818 s. 1] (2827, 2828, 2962-2, 2962-3, 2962-4, 2963, 2990, 2991, 2991-1, 2991-2, 3036-20, 3047-1, 5658, 5659)

**120.12 FORMS AND BLANKS.** The state board of education shall prepare or designate standard forms for school registers, state board examination questions and answers, uniform forms for all reports required by this chapter, uniform record books for district treasurers and clerks, and any other blanks necessary for school business. These forms may be purchased through the department of education and the request therefor shall conform to the rules and regulations of the department of education. The purchase of these forms by the department of education shall be made through the department of administration, division of printing, and is subject to the rules and regulations provided by statute for the purchase of such forms and examinations for the state. The purchase of these uniform forms and examinations may be made by the school districts directly from vendors.

[R. L. s. 1378; 1913 c. 550 s. 7; 1941 c. 169 art. 1 s. 12; 1947 c. 21 s. 1] (2962-5)

**120.13 REPORTS BY THE STATE BOARD.** On October 1 of each even numbered year, the state board of education shall transmit to the governor a report containing a copy of all rules of the board in force during the biennial period, the name and salary of each officer or employee in the department of education, a summary of the financial affairs of the department, including summaries of receipts and disbursements, and such other matters as it may seem advisable to include in such report or as shall be required by the governor.

[1913 c 550 s 4; 1919 c 334 s 7; 1941 c 169 art 1 s 13; 1955 c 847 s 9] (2962-2, 2964)

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*9/16/14* **120.14 RECOMMENDATIONS; BUDGET.** The state board of education shall recommend to the governor and legislature such modification and unification of laws relating to the state system of education as shall make those laws more readily understood and more effective in execution; and the state board of education shall prepare a biennial education budget which shall be submitted to the governor and legislature, according to the provisions of law, such budget to contain a complete statement of finances pertaining to the maintenance of the department of education and to the distribution of state aid to public schools.

[1919 c. 334 s. 8; 1941 c. 169 art. 1 s. 14] (2965)

*10/15/16* **120.15 APPLICATION.** Nothing in this chapter shall be held to apply to the University of Minnesota, or to the state colleges, or to the powers, functions, and duties vested by law in the board of regents of the university or in the state college board.

[1919 c. 334 s. 11; 1941 c. 169 art. 1 s. 15; 1957 c. 576 s. 1, 2] (2968)

*10/16/16* **120.16 CONFLICT OF POWERS.** In case of any apparent conflict between powers, duties, and functions conferred by law upon any educational officer, or person, or board, or commission named in section 120.07 and section 120.11, subdivision 1, and those conferred by this chapter on the state board of education, it shall be conclusively presumed that such powers, duties, and functions belong to the state board of education to be exercised by it under the law and rules of the board.

[1919 c. 334 s. 9; 1941 c. 169 art. 1 s. 16] (2966)

*10/17/17* **120.17 QUESTIONS SUBMITTED TO ATTORNEY GENERAL.** If any difference of opinion arises between school officers as to their powers or duties, or if there be any doubt as to the proper construction of any part of the state school laws administered by the state board of education, the commissioner of education, at the request of any such officer, shall submit such question to the attorney general, who shall give his written opinion thereon to such commissioner of education and such opinion shall be binding until annulled or overruled by a court.

[R. L. s. 1335; 1941 c. 169 art. 1 s. 17] (2848)

*10/18/17* **120.18 STATE CIRCULATING LIBRARY; PURCHASE OF BOOKS.** The state department of education may purchase collections of books, to be the property of the state and used as a state circulating library, from which any town, village, or community may borrow, under prescribed regulations. It may also loan books to individuals residing in areas where other public library service is not available. It shall divide such books into groups to be known as traveling libraries, catalogue and prepare them for circulation, and make rules for the conduct of this business such as shall insure the care, preservation, and safe return of all books loaned. Suitable rooms shall be provided in the capitol for its use.

[R. L. s. 2252; 1941 c. 169 art. 1 s. 18] (5658)

**120.19 LIBRARIANS, ADVICE TO.** The state department of education shall give advice and instruction to the managers of any public library and to the trustees or agents of any village, town, or community entitled to borrow from the collections of books upon any matter pertaining to the organization, maintenance, or administration of libraries. It shall assist, by counsel and encouragement, in the formation of libraries where no library exists and may send its members to aid in organizing the same or in improving those already established.

[R. L. s. 2253; 1941 c. 169 art. 1 s. 19] (5659)

**120.20 STATISTICS; RECORDS; REPORTS.** The state department of education shall keep statistics of the free public libraries of the state and a record of the work done and the books loaned by it, and report the same to the legislature at each regular session thereof, together with a statement of its expenditures relating to such work, the use made of the traveling libraries, and such other matters as it deems proper.

[R. L. s. 2254; 1941 c. 169 art. 1 s. 20] (5660)

**120.21 TEACHERS EMPLOYMENT BUREAU.** There is hereby established a bureau for the purpose of securing employment for teachers in the public schools in this state, to be known as the state teachers employment bureau and to be maintained in connection with the department of education under the direction of the state board of education.

[1913 c. 523 s. 1; 1941 c. 169 art. 1 s. 21] (2954)

**120.22 WHO MAY ENROLL; FEES.** Any person having a certificate to teach in this state, or who has completed a course of study as required for the issuance of a certificate, or who may be found entitled to receive such certificate, and who is deemed to be a fit and capable person for teaching, shall be entitled to enroll with the teachers employment bureau upon complying with the regulations referred to in sections 120.21 to 120.24 and upon the payment of such fee as may be determined by the state board of education, which fee shall not exceed \$5 per year and shall entitle the person so enrolled to the privileges and services of the bureau.

[1913 c. 523 s. 2; 1941 c. 169 art. 1 s. 22] (2955)

**120.23 PURPOSE OF BUREAU; INFORMATION.** It shall be the purpose of the state teachers employment bureau to furnish to boards, superintendents, principals, or other proper authorities of public schools upon request information regarding teachers and to furnish teachers enrolled with the bureau information relative to vacancies in positions in public schools; but no person connected with the state teachers employment bureau shall be held responsible for nor be understood to vouch for the fitness or success of any teacher who may secure a position in a public school through the bureau nor shall the payment and acceptance of the enrollment fee be construed as a guarantee for securing through the bureau employment to teach.

[1913 c. 523 s. 3; 1941 c. 169 art. 1 s. 23] (2956)

**120.24 APPOINTMENT OF DIRECTOR OF STATE TEACHERS EMPLOYMENT BUREAU.** The commissioner of education shall nominate and the state board of education shall appoint a director of the state teachers employment bureau, who shall perform his duties under the general supervision of the commissioner of education and be furnished necessary office rooms in the state capitol. The state board of education may appoint such clerical and other assistants as may be required to carry out the purposes of sections 120.21 to 120.24, but the expense therefor shall not exceed the money available therefor. The state board of education shall make the necessary rules and regulations for conducting this bureau. The commissioner of education shall designate one employee of this bureau who shall collect and receipt for all fees provided for in section 120.22 and report and pay the fees to the state treasurer as provided by law.

[1913 c. 523 s. 4; 1941 c. 169 art. 1 s. 24] (2957)

**120.25 TRUSTEES OF INCORPORATED COLLEGES MAY PRESCRIBE COURSE OF STUDY; ANNUAL REPORT.** The trustees of any incorporated college or seminary, in addition to their other powers, may prescribe its course of study and discipline, grant such literary honors and degrees as are usually granted by similar institutions, and give suitable diplomas in evidence thereof. They may make all rules, ordinances, and bylaws necessary and proper to carry into effect its powers. They may require the treasurer and other officers and agents to give bonds. Every such college shall be subject to visitation and examination by the state commissioner of education. They shall annually, on or before January 1, report to the state commissioner of education the name of each trustee, officer, and student, the amount of stock subscribed, donated, and bequeathed, and the amount actually paid in.

[R. L. s. 3108; 1941 c. 169 art. 1 s. 25] (7899)

**120.26 MEETINGS WITH SCHOOL BOARDS, SUPERINTENDENTS, AND PRINCIPALS.** For the purpose of considering matters affecting the interests of public education, the commissioner of education, or his representative, shall, upon notice, meet with the several school board members, county and city superintendents, school principals, and teachers at such times and places in the state as he shall deem most convenient and beneficial.

[1913 c. 550 s. 4; 1941 c. 169 art. 1 s. 26] (2962-2)

**120.27 TEACHERS INSTITUTES IN COUNTIES.** The state commissioner of education shall provide for teachers institutes in the several counties of the state for the professional instruction and training of teachers. He shall designate each county for which such institutes are to be held, and the times and places of holding the same. The state board of education shall have authority to employ institute instructors and lecturers for the purposes of conducting such institutes. Each institute shall continue for not to exceed one week. In the discretion of the commis-

sioner and in cooperation with the county superintendent of schools, institute instructors may visit schools in the county for not to exceed four days in connection with any institute.

[1925 c. 110 s. 1; 1941 c. 169 art. 1 s. 27] (3063-1)

**120.28 TEACHERS INSTITUTES, ATTENDANCE BY TEACHERS.** The superintendent of each county for which an institute is designated shall give notice thereof to the teachers of the graded and ungraded elementary and secondary schools of the county and may require their attendance, except that the teachers in graded elementary and secondary schools shall be excused by the county superintendent if the district school board requests in writing that they be excused. He shall make all necessary arrangements and attend and take part in the work of this institute.

[1925 c 110 s 2; 1941 c 169 art 1 s 28; 1955 c 834 s 1] (3063-1)

**120.29 CERTIFICATES OF ATTENDANCE, EFFECT.** Every teacher who attends the institute shall receive from the county superintendent a certificate indicating the days attended, which, when presented to the clerk of the district entitles the teacher to full pay for the time school was closed on account of his actual attendance at the institute.

[1925 c 110 s 3; 1941 c 169 art 1 s 29; 1955 c 834 s 2] (3063-3)

**120.30 SCHOOL HOUSES USED FOR INSTITUTES.** The school board in any district in which an institute is designated to be held shall allow the free use of any school house or school room for that purpose, upon ten days notice of selection from the county superintendent; provided, that such use shall not interfere with the sessions of school.

[1925 c. 110 s. 4; 1941 c. 169 art. 1 s. 30] (3063-4)

**120.31 INSTITUTES; EXPENSES.** The board of county commissioners of any county for which an institute is designated shall allow bills for the personal expenses of the county superintendent in holding institutes, when held elsewhere than at the county-seat, but not to exceed the sum of \$50 in any one year. The board may also appropriate out of the county revenue fund a reasonable sum for expense of the institute to be expended under direction of the county superintendent, who shall file with the county auditor within a month an itemized statement of the disbursement thereof.

[1925 c. 110 s. 5; 1941 c. 169 art. 1 s. 31] (3063-5)

**120.32 VOCATIONAL REHABILITATION.** There is hereby established, under the direction and control of the state board for vocational education in the state department of education a division of vocational rehabilitation. Such division shall provide vocational rehabilitation services such as, but not limited to, diagnostic and related services incidental to the determination of eligibility for and the scope of services to be provided, including medical diagnosis and vocational diagnosis; vocational counseling, training and instruction, including personal adjustment training, physical restoration, including corrective surgery, therapeutic treatment, hospitalization, prosthetic devices, all shall be secured from appropriate established agencies for persons; transportation; occupational and business licenses or permits, customary tools and equipment, maintenance, books, supplies and training materials; initial stocks and supplies; placement; the acquisition of vending stands or other equipment, initial stocks and supplies for small business enterprises; supervision and/or management of small business enterprises, merchandising programs or services rendered by severely disabled persons; the establishment, improvement, maintenance or extension of public and other non-profit rehabilitation facilities, centers, workshops, demonstration projects, and research. These services shall be provided for residents whose capacity to earn a living has in any way been destroyed or impaired through industrial accident or otherwise, provided that such persons shall be entitled to free choice of vendor for any medical or dental services thus provided. The state board for vocational education shall, in its regular reports to the legislature, describe in detail the work of the division and may from time to time issue bulletins and materials containing information relative thereto. The employees of the division shall be appointed by the state board of education functioning as the state board for vocational education.

[1919 c 365 s 1, 2; 1941 c 169 art 1 s 32; 1945 c 24 s 1; 1955 c 599 s 1] (2983, 2984)



**120.323 VOCATIONAL REHABILITATION, STATE BOARD OF EDUCATION MAY CONTRACT WITH FEDERAL GOVERNMENT.** Subdivision 1. The state board for vocational education, established by Minnesota Statutes, Section 120.01, is authorized, in the name of the State of Minnesota, to enter into an agreement with the government of the United States as authorized by act of Congress, approved September 1, 1954, known as the "Social Security Amendments of 1954," being Public Law 761, Section 221, in which agreement the state will undertake to make determinations referred to in Public Law 761 aforesaid, Section 221, Subsection (a) with respect to all individuals in Minnesota, or with respect to such class or classes of individuals in this state as may be designated in the agreement at the state's request.

Subd. 2. It is intended by this section to vest all power and authority in such state board for vocational education to the end that the inhabitants of this state shall obtain all benefits and advantages available to them and intended by such act of Congress to be so available.

[1955 c 836 s 1]

**120.33 PLAN OF COOPERATION.** The state board for vocational education and the department of labor and industry, or any agency which may succeed it in the administration or supervision of the Workmen's Compensation Act, shall formulate a plan of cooperation with reference to the work of the division of vocational rehabilitation in providing services to workers covered under the Workmen's Compensation Act. Such plans shall be effective only when approved by the governor.

[1919 c 365 s 3; 1941 c 169 art 1 s 33; 1955 c 599 s 2] (2985)

**120.34 INCAPACITATED PERSONS AIDED.** The division of vocational rehabilitation shall aid persons who are incapacitated, as described in section 120.32 in obtaining such benefits as will tend to restore their capacity to earn a livelihood. The division of vocational rehabilitation may cooperate and contract with the United States government to extend the benefits of sections 120.32 to 120.34 to persons described in section 120.32 and to any civil employee of the United States of America or to any individual certified to the state board as disabled while in the performance of his duty, without regard to the residence or citizenship, if, in the judgment of the board, the benefits offered by the federal government are sufficient to compensate for the cost. The division may cooperate and make agreements with private, state, local or federal agencies for providing services relating to vocational rehabilitation. The division of vocational rehabilitation may, of its own accord, establish, or maintain, or in cooperation with local boards of education, assist in establishing or maintaining, such courses as it may deem expedient. It may establish, maintain or improve such rehabilitation facilities, centers or sheltered workshops, public or non-profits, as required, and otherwise may act in such manner as it may deem necessary to accomplish the purposes of sections 120.32 through 120.35.

[1919 c 365 s 4; 1941 c 169 art 1 s 34; 1945 c 24 s 2; 1955 c 599 s 3] (2986)

**120.35 REPORTS; AVAILABILITY, NO DISCLOSURE.** The employees of the division of vocational rehabilitation shall have the right to receive from any public records the names, addresses and information pertinent to their vocational rehabilitation of persons injured or otherwise disabled. No information obtained from such reports, nor any copy of the same, nor any of the contents thereof, nor other confidential information as defined by the state board shall be open to the public, nor shall be disclosed in any manner by any official or clerk or other employee of the state having access thereto, but the same may be used solely to enable the division to offer the benefits of vocational rehabilitation to the persons injured or otherwise disabled.

Any disclosure so prohibited is hereby declared to be a misdemeanor and punishable as such.

[1921 c 436 s 1, 2; 1941 c 169 art 1 s 35; 1945 c 24 s 3; 1955 c 599 s 4] (2987, 2988)

**120.36 AREA VOCATIONAL-TECHNICAL SCHOOLS.** Subdivision 1. **Purpose.** It is the purpose of this section to more nearly equalize the educational opportunities in certain phases of vocational-technical education to persons of the state who are of the age and maturity to profitably pursue training for a specific occupation.

Subd. 2. **Designation of area.** The commissioner of education, with the approval of the state board for vocational education, shall designate an area to be served by each area vocational-technical school, assigning administrative authority to that school district in which the area vocational plant is located.

Subd. 3. **Apportionment and distribution of funds.** All funds, whether state or federal or other funds, which may be made available to the state board for vocational education for carrying out the purposes of vocational-technical education as provided by this section, shall be apportioned and distributed by the state board for vocational education to the various local school districts as additional aid for use in helping such local school districts in defraying the cost involved in maintaining and operating approved vocational training courses or departments, subject to such reasonable rules and regulations as may be prescribed by the state board for vocational education and in accordance with the approved state plan for vocational education.

Subd. 4. **Distribution on cost basis.** The commissioner of education with the approval of the state board for vocational education is authorized to apportion and distribute funds to local school districts under the provisions of this section, such apportionment and reimbursement to be on a cost basis for those trainees living outside of the local school districts.

Subd. 5. **Powers and duties of commissioner.** The commissioner of education with the approval of the state board for vocational education shall have authority to:

(1) Approve applications for the designation and establishment of area vocational-technical school areas within the state, and apportion and distribute funds that may be made available as special or additional aid to local school districts for the cost of training persons enrolled in vocational courses who come from areas not under the jurisdictional authority of the local school boards;

(2) Approve or disapprove all courses and classes to be offered, and establish standards of training in each occupation that must be maintained by a local school district in order to obtain special aid;

(3) Establish age limits of trainees and entrance requirements to be met by trainees for each occupation in which training is offered and provide regulations for such reasonable tuition that may be required for day-school students beyond 21 years of age;

(4) Provide for the supervision of courses or training programs.

Subd. 6. **Enrollment of non-residents.** In order for a school system to receive any of the funds which may be made available for the purpose of vocational-technical education and other purposes set forth in this section, the local school districts must allow enrollment of trainees from outside their school district areas and permit them to attend approved vocational-technical courses without additional cost to them or under the same conditions as those applying to students residing in the district.

Subd. 7. **Transportation.** A portion of the funds made available for the purposes of this section shall be used for providing transportation to and from the vocational center for trainees living outside the school district area of the local school district.

Subd. 8. **State property distribution.** Any property of the state administered by the state board for vocational education in connection with teaching vocational education may be apportioned and distributed by the state board for vocational education to local school districts desiring to avail themselves of the benefits of this section.

Subd. 9. **Operation by state college or agricultural school.** When certain areas cannot be served by the local school district the commissioner of education with the approval of the state board for vocational education may designate some state college, or state agricultural school to operate such school.

Subd. 10. **Advisory information.** The commissioner of education and the state board for vocational education shall keep themselves advised by competent authorities representing the various vocational fields.

[1945 c 304; 1957 c 576 s 1, 2]

**120.37 TEACHING SEED ANALYSIS AND GERMINATION.** Subdivision 1. **Study of seed analysis and germination.** For the purpose of providing for a course of instruction in high schools in seed analysis and germination and grain and hay

grading, any school board of any school district maintaining an agricultural department in a classified high school may apply to the state board for vocational education for assistance provided herein. Upon approval of such application, in accordance with standards set up by the state board for vocational education, the district shall become eligible to receive such assistance.

**Subd. 2. Equipment supply to high schools.** The state board for vocational education is hereby authorized to secure and supply to high schools obtaining such approval, the equipment necessary in the giving of such a course. Such equipment shall be purchased for the state board for vocational education by the state purchasing agent in the same manner as other purchases for the state are made. Payment therefor shall be made out of any moneys appropriated for that purpose, but not exceeding the amount appropriated and available for such purposes. Equipment so purchased and furnished to any high school shall remain subject to the control and disposition of the state board for vocational education.

[1945 c. 391 ss. 1, 2]

**120.38** [Obsolete]

**120.41 DEFINITIONS.** Subdivision 1. For the purposes of sections 120.41 to 120.43 the terms defined in this section shall have the meaning ascribed to them.

**Subd. 2.** "Indian student" means any student who has one-fourth or more Indian blood.

**Subd. 3.** "Eligible Indian student" means an Indian student who has the capabilities, to profit from appropriate courses in approved schools.

[1955 c 613 s 1]

**120.42 SCHOLARSHIPS TO INDIAN STUDENTS.** The state board of education may award scholarships to any Indian student for advanced or specialized education in accredited or approved colleges or in business, technical or vocational schools. Scholarships shall be used to defray tuition, incidental fees and the cost of board and room and shall be paid directly to the college or school concerned. The amount and type of each such scholarship shall be determined through the advice and counsel of the Minnesota Indian Scholarship Committee. No scholarship shall exceed \$800 to any Indian student in any one school year. If a course of study is completed in less than 36 weeks, the scholarship shall be prorated accordingly.

When an Indian student satisfactorily completes the work required by a certain college or school in a school year he is eligible for additional scholarships, if additional training is necessary to reach his educational and vocational objective. Scholarships may not be given to any Indian student for more than four years of study.

[1955 c 613 s 2]

**120.43 ACCEPTANCE OF EMPLOYMENT IN TRADE.** Any Indian student who receives a scholarship is expected to accept employment in the trade or profession for which trained and to practice it.

[1955 c 613 s 3]

*1280 ~ /* **120.44 SCHOLARSHIPS, STUDENT NURSES.** Subdivision 1. Entitlement, Use, Amount. The state board of education may award scholarships to students attending a school of nursing in this state accredited in accordance with the laws pertaining to registered nurses and licensed practical nurses. Such scholarships shall be awarded to those students who are residents of this state and who are in need of economic assistance in securing such nursing education, and shall be awarded on the basis of need and ability. These scholarships shall be used solely to defray tuition and other fees and expenses incidental to such nursing education, and shall be awarded only to students enrolled in a school of nursing which provides students an educational experience in a rural or a state hospital for the mentally ill. No student shall receive a scholarship of more than \$600. Two-thirds of the scholarship shall be available to the student in the first year of her course, and the remainder thereof shall be divided equally between the remaining years of the course, provided, however, that the practical nurse scholarship shall not exceed \$300 and shall be available to the student in the first year of her course.

**Subd. 2. Conditions of grant.** The recipient of any scholarship provided for hereunder must agree to accept an educational experience in a rural hospital or a state hospital for the mentally ill, and must further agree to practice the profession of nursing for at least one year immediately after graduation in the State of Minnesota.

9XC80 2 Subd. 3. **Appropriation.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of \$75,000 for the fiscal year ending June 30, 1956, and \$75,000 for the fiscal year ending June 30, 1957, to be used for the purposes specified in this section. Not less than one-third of the amount available for scholarships in each fiscal year shall be awarded for scholarships in accredited schools, located in counties with a population of not exceeding 100,000 persons respectively.

Provided, however, that at the end of six months of each fiscal year any amount remaining unallocated may be awarded for scholarships in any accredited school in the State of Minnesota. Except for amounts that may be necessary to pay any scholarships which have been awarded and not completed or terminated, any unexpended balance of the appropriated sums shall revert to the state treasury at the close of the said fiscal years. Of the amounts appropriated, at least \$71,000 shall be made available for scholarships in each of the fiscal years.

[1951 c 710 s 1-3; 1953 c 274 s 1-3; 1955 c 133 s 1-3]

**120.46 MINNESOTA ADVISORY BOARD ON HANDICAPPED, GIFTED, AND EXCEPTIONAL CHILDREN.** The "Minnesota Advisory Board on Handicapped, Gifted and Exceptional Children" is hereby created, consisting of 12 members to be appointed by the governor, one member from each of the nine congressional districts and three members at large. The board shall act only in an advisory capacity to the state board of education, the commissioner of public welfare, and the state board of health. Four members shall be appointed for one year, four members for two years and four members for three years. Thereafter six members shall be appointed each year, each for a three year term. In making appointments the governor shall give consideration to statewide representation. The board shall elect a chairman, vice chairman and secretary, each to serve for one year. The board shall hold at least four meetings annually. The first meeting shall be called by the governor within 60 days after the appointment of the board. The board shall aid in formulating policies and encouraging programs for exceptional children. It shall continuously study the needs of exceptional children. Members of the board shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties by the department of education from an appropriation made to the department for this purpose.

[1957 c 778 s 1]

9XC687 13 **120.51 APPLICATION OF SECTIONS 120.51 TO 120.58.** Sections 120.51 to 120.58 are applicable to any school district which has an outstanding indebtedness of not less than 95 percent of the debt limit established by law and which district comprises an area of at least 18 sections of land or which district has not less than 1,000 children enumerated in its latest annual complete school census.

[1957 c 804 s 1]

9XC27 114 **120.52 SCHOOL BOARD, BORROWING PROCEDURE.** Wherever the board of education of any school district qualified under section 120.51, finds by resolution that the funds available to the district are insufficient for the district to purchase sites and to erect and equip school buildings sufficient to provide adequate educational facilities for its school population, it may, by proceeding in accordance with sections 120.51 to 120.58, borrow money, incur indebtedness and issue bonds without regard to the borrowing limit otherwise established by law.

[1957 c 804 s 2]

9XC687 13 **120.53 DETERMINATION OF ESTIMATE OF NEEDS, SUBMISSION TO VOTERS.** Upon adoption of the resolution required by section 120.52, the board shall determine what buildings, facilities or equipment is necessary and shall estimate the additional amount of money that is needed for the necessary school construction program and shall submit the determination made to the electorate for approval or rejection at a general election or special election called for that purpose, and for the purpose of authorizing issuance of obligations according to section 475.59.

[1957 c 804 s 3]

9XC27 114 **120.54 BONDS, ISSUANCE.** Subdivision 1. If the issuance of the obligations and the determination of the board as to necessity and amount is approved by a majority of all votes cast at the election, the district may issue its general obligation negotiable bonds in the amount authorized at the election. The bonds shall be issued, and the tax levied as provided by law for public indebtedness.

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Subd. 2. Bonds issued may be sold on the public market subject to the provisions of Minnesota Statutes, Chapter 475, and the provisions of sections 120.51 to 120.58 and to the state board of education as provided in sections 120.51 to 120.58 and shall bear interest at three and one-half percent per annum payable semi-annually. Bonds may be called for redemption in any amount at any time after three years from date of issue; first required payment on the principal shall be due 15 years from the date of issue and the entire issue shall mature serially at equal intervals over a period of 38 years so that the entire principal of the loan is paid on or before 50 years from the date of its issue. Bonds shall be numbered and be in such denominations as the board of education shall determine.

[1957 c 804 s 4]

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*LC27214*  
**120.55 PETITION FOR PURCHASE OF BONDS BY STATE.** Subdivision 1. Upon authorization for the issuance of bonds as provided in sections 120.51 to 120.58, the school board may by resolution petition the state board of education to purchase the bonds so authorized. In its petition, the board shall include such information as the state board of education may require.

Subd. 2. Petitions for the purchase of bonds to be issued during the year 1958 shall be filed with the secretary of the state board of education on or before October 1, 1957. Petitions for the purchase of bonds to be issued during the year 1959 shall be filed with the secretary of the state board of education on or before October 1, 1958.

[1957 c 804 s 5]

*3687213*  
*LC27214*  
**120.56 ALLOCATION OF AID BY STATE BOARD OF EDUCATION.** Subdivision 1. It is the duty of the state board of education to consider the petitions submitted under sections 120.51 to 120.58 and to award state aid to schools under sections 120.51 to 120.58 to the districts which are most distressed and most in need of assistance for school classroom building construction. The total allocation of aid under sections 120.51 to 120.58 shall not exceed the appropriation made herein.

Subd. 2. In making a determination to grant aid under sections 120.51 to 120.58 the state board of education shall consider the following items:

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(a) classification of district under Minnesota Statutes, section 128.081, subdivision 4.

(b) the relationship between the recent change in pupil enrollment, the changes in assessed value of the taxable property in the district, the value of the taxable property in the district as determined by the equalization aid review committee, the local effort of the district to raise money by taxation in relation to other districts similarly situated, the total public debt for all purposes outstanding and taxable against the property in the district, the present need of the district for school classroom building space.

(c) catastrophe or calamity beyond the power of the district to repair.

Subd. 3. In determining the amount of assistance to be granted to any school district the state board of education shall give due consideration to the effective and efficient use of the facilities presently available to the district, and shall require as a condition to the granting of any aid that maximum effective use be made of such presently existing educational facilities. The state board of education may also require such loans herein made to be presently paid when the school district is able to refund said bonds on the public market pursuant to chapter 475.

Subd. 4. In accordance with its findings of eligibility and need under sections 120.51 to 120.58, the state board of education may lend money to a district from the school construction loan fund, hereinafter established for purposes of construction of school building classroom facilities only, and may accept the school district bonds issued under sections 120.51 to 120.58 as security therefor in a maximum amount to any one district as follows:

(a) If the proceeds are to be used for ungraded elementary schools, \$1,000 per resident pupil in average daily attendance.

(b) If the proceeds are to be used for graded elementary schools, \$1,250 per resident pupil in average daily attendance.

(c) If the proceeds are to be used for secondary schools, \$1,500 per resident pupil in average daily attendance.

[1957 c 804 s 6]

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**120.57 SCHOOL CONSTRUCTION LOAN FUND.** Subdivision 1. There is hereby created a special fund in the state treasury, to be known as the school construction loan fund, into which shall be paid any payments on interest and principal of any bonds acquired by the state board of education under authority of Laws 1957, Chapter 804.

Subd. 2. The school construction loan fund is hereby appropriated to the state board of education to be invested and reinvested by it in authorized school district bonds issued under the provisions of Laws 1957, Chapter 804.

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Subd. 3. There is hereby appropriated to the school construction loan fund the sum of \$1,000,000 to be available from and after January 1, 1958, and the sum of \$1,000,000 to be available from and after January 1, 1959, from the income tax school fund to be invested by the state board of education for the purposes of Laws 1957, Chapter 804.

[1957 c 804 s 7, 8]

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**120.58 STATE BOARD OF EDUCATION AS STATE AGENCY TO ACCEPT FEDERAL AID MONEYS.** The state board of education is hereby nominated as the state agency which is authorized to accept any and all money provided or made available to this state by the United States in any program which contemplates federal aid for school building construction.

[1957 c 804 s 9]

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C. J.