

CHAPTER 128

STATE AND FEDERAL SCHOOL AIDS

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128.01 STATE AID FUNDS; SOURCES. For the purpose of aid to public schools, these funds are established:

(1) The endowment fund, which shall consist of the income from the permanent school fund; and

(2) The special state aid fund, which shall consist of the amount transferred from the income tax school fund and other sums appropriated by the legislature for aid to public schools.

[1921 c 467 s 1; 1941 c 169 art 9 s 1; 1947 c 633 s 3] (3022)

128.015 [Repealed, 1947 c. 633 s. 22]

128.02 APPORTIONMENT OF ENDOWMENT FUND. The endowment fund shall be apportioned semiannually by the state board of education, on the first Monday in March and October in each year, to school districts whose schools have been in session at least eight months, and after July 1, 1948, shall have been in session at least nine months, in proportion to the number of pupils between the ages of 5 and 21 years who shall have been in average daily attendance during the preceding year, provided, that apportionment shall not be paid to the district attended for pupils for whom tuition is received by such district.

[R L s 1397; 1921 c 467 ss 2, 16; 1923 c 322 s 1; 1935 c 290 ss 1, 2; 1941 c 169 art 9 s 2; 1947 c 633 s 4] (2993, 3023)

128.03 [Repealed, 1947 c. 633 s. 22]

128.04 APPORTIONMENT. Subdivision 1. **Appropriation and procedure.** A copy of the apportionment mentioned in section 128.02 shall be furnished by the state board of education to the state auditor, who thereupon shall draw his warrants on the state treasury, payable to the several counties, for the amount due each county. There is hereby annually appropriated from the endowment fund the amount of such apportionments.

Subd. 2. **Duty of county auditor.** The county auditor, upon receiving the warrant from the state, shall forthwith apportion the amount thereof to the various school districts entitled thereto, and shall at the time of making the March and November tax settlements of each year apportion to the several school districts the amount received from liquor licenses, fines, estrays, and other sources belonging to the general school fund, upon the same basis provided for the state apportionment; but no district shall receive any part of the money received from liquor

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licenses unless all sums paid for such licenses in such district are apportioned to the county school fund. The auditor shall include in such apportionment all amounts received from special state aid to schools not theretofore apportioned.

Subd. 3. Report of county apportionment. The county auditor, on the first Wednesday after such apportionment, shall report to the state commissioner of education on the amount apportioned, the sources from which such money was received, and the total average daily attendance of pupils in the county entitled to apportionment.

[R L s 1398, 1399, 1401; 1919 c 412 s 1, 2; 1931 c 312 s 1, 2; 1941 c 169 art 9 s 4; 1947 c 633 s 5, 6; 1957 c 20 s 1] (2994, 2995, 2997)

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

[1921 c 467 s 4; 1941 c 169 art 9 s 5; 1947 c 633 s 7; 1953 c 600 s 9] (3025)

128.06 PURPOSES OF SPECIAL STATE AID. State aid from the special state aid fund and any other money set apart for use with the special state aid fund shall be for the following named purposes:

(1) To assist in providing equal educational opportunities for all the school children of the state;

(2) To assist in establishing certain generally accepted minimum standards for all the public schools of the state;

(3) To assist school districts whose tax levies for maintenance are exceptionally high;

(4) To stimulate educational progress by grants of state aid for superior efficiency and high standards and for desirable educational undertakings not yet generally established; and

(5) To provide for the maintenance of teacher training departments in high schools.

[1921 c. 467 s. 6; 1941 c. 169 art. 9 s. 6] (3027)

128.061 SPECIAL STATE AIDS, COMPUTATION, REDUCTION. The amount of special state aids to which a school district is entitled shall be the amount computed according to statute except as that amount may be reduced under sections 128.061 to 128.068. The certificate made by the commissioner of education under Minnesota Statutes 1949, Section 128.18, Subdivision 2, shall show the amount of any reductions made hereunder.

[1921 c 467 s 4; 1941 c 169 art 9 s 5; 1947 c 633 s 7; 1953 c 600 s 1] (3025)

128.062 REDUCTION, IN STATE AIDS, GROUNDS. Whenever the school board of the district authorizes or permits within the district violations of law by

1. Employment in a public school of the district of a teacher who is not qualified as defined in Minnesota Statutes 1949, Section 130.03, or

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

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

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

5. Failure to provide reasonably for the school attendance to which a resident pupil is entitled under Minnesota Statutes 1949, Section 128.087, as required by Minnesota Statutes 1949, Section 128.07, Subdivision 5, as amended by Laws 1951,

Chapter 705, Section 1, the special state aid to which a school district is otherwise entitled for any school year shall be reduced in the amount and upon the procedure provided in sections 128.061 to 128.068.

[1921 c 467 s 4; 1941 c 169 art 9 s 5; 1947 c 633 s 7; 1953 c 600 s 2] (3025)

128.063 NOTICE OF GROUNDS. When it appears to the Commissioner of Education that one or more of the violations enumerated in section 128.062 is occurring in a school district (whether or not authorized or knowingly permitted by the school board of the district) he shall forthwith notify the school board of that district in writing thereof. Such notice shall specify the violation, (or violations as the case may be) set a reasonable time within which the district shall correct the specified violation, describe the correction required, and advise that if the correction is not made within the time allowed special state aids to the district will be reduced under the provisions of sections 128.061 to 128.068. The time first allowed for correction may be extended by the commissioner if there is reasonable ground therefor.

[1921 c 467 s 4; 1941 c 169 art 9 s 5; 1947 c 633 s 7; 1953 c 600 s 3] (3025)

128.064 PROTEST; HEARING. The school board to which such notice is given may by a majority vote of the whole board decide to dispute that the specified violation exists or that the commissioner may reduce aids hereunder, in which case written notice of such decision shall be given the commissioner, and if the commissioner, after such further investigation as he deems necessary, adheres to his previous notice, such school board shall be entitled to a hearing by the state board of education, in which event a time and place shall be set therefor and notice be given by mail to the school board of the district. The state board shall adopt rules governing the proceedings for hearings under sections 128.061 to 128.068 not inconsistent with the requirements hereof which shall be designed to give a full and fair hearing and permit interested parties an opportunity to produce evidence relating to the issues involved. Such rules may provide that any question of fact to be determined upon such review may be referred to one or more members of the board or to an employee of the state board of education acting as a referee to hear evidence and report to the state board the testimony taken. The state board, or any person designated to receive evidence upon a review under sections 128.061 to 128.068, shall have the same right to issue subpoenas and administer oaths and parties to the review shall have the same right to subpoenas issued as are accorded with respect to proceedings before the Industrial Commission under Minnesota Statutes 1949, Section 176.351. There shall be a stenographic record made of all testimony given and other proceedings during such hearing, and as far as practicable rules governing reception of evidence in courts shall obtain. The decision of the state board shall be in writing and the controlling facts upon which the decision is made shall be stated in sufficient detail to apprise the parties in the reviewing court the basis and reason of the decision. The decision shall be confined to whether or not the specified violations or any of them existed at the date of the commissioner's first notice, whether such violations as did exist were corrected within the time permitted, and whether such violations require reduction of the state aids under sections 128.061 to 128.068.

[1921 c 467 s 4; 1941 c 169 art 9 s 5; 1947 c 633 s 7; 1953 c 600 s 4] (3025)

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

[1921 c 467 s 4; 1941 c 169 art 9 s 5; 1947 c 633 s 7; 1953 c 600 s 5] (3025)

128.066 PRIMARY REDUCTION FROM BASIC AID; ADDITIONAL REDUCTIONS. Reductions in special aid under sections 128.061 to 128.068 shall be from foundation program aid allowed to the district affected, and if there is not sufficient foundation program aid remaining to be paid for the school year in which the violation which is the reason for reduction occurred at the time it is deter-

mined reduction is required, then the reduction shall be from the other special aids payable to the district for that year in the order in which special state aids are listed in Minnesota Statutes 1949, section 128.084, unless the violation is for performance of a contract for transportation under Minnesota Statutes 1949, section 125.06, subdivision 14, which has been disapproved, in which case the primary reduction shall be from transportation aid, and if reduction is for several violations one of which is continued performance of such a contract, then transportation aid will be the primary fund for reduction in the proportion that the violation for performance of such a contract bears to the total number of violations involved. If there is not sufficient in amount of special state aids remaining payable to the district for the school year in which the violation or violations occurred to permit the full amount of reduction required, then that part of the required reduction not taken from that school year's aids will be taken from the special state aids payable to the district for next school year, and the reduction will be made from the various aids payable for the next year in the order above specified.

[1921 c 467 s 4; 1941 c 169 art 9 s 5; 1947 c 633 s 7; 1953 c 600 s 6; 1957 c 937 s 5] (3025)

128.067 CERTIORARI. Decision of the state board of education under section 128.064 may be reviewed on certiorari by the district court of the county wherein the school district, or any part thereof, is located.

[1921 c 467 s 4; 1941 c 169 art 9 s 5; 1947 c 633 s 7; 1953 c 600 s 7] (3025)

128.068 NOTICE, COSTS, PAYMENT. Any notice to be given the school board of a school district will be deemed given when a copy thereof is mailed, registered, to the superintendent of the district, if there is a superintendent, and to the clerk of the school board of the district, unless it is shown that neither the superintendent nor the clerk in fact received such notice in the ordinary course of mail, in which event time for correction will be accordingly extended by the commissioner so that a reasonable time will be allowed from actual receipt of notice for correction. If notice is sent by the commissioner under section 128.063 with respect to a violation which is continued by the district in a succeeding year, no separate notice for that violation for the succeeding year will be required, and proceedings initiated by such notice shall include any continuing violation notwithstanding that a part thereof occurs in a year different from that in which it started. The commissioner may require reasonable proof of the time that a violation ceased for the determination of the amount of aids to be withheld. Costs and disbursements of the review under section 128.067, exclusive of those incurred in the administrative proceedings, may be taxed against the losing party and in the event taxed against the state shall be paid from the appropriations made to the state department of education for the payment of special state aids.

[1921 c 467 s 4; 1941 c 169 art 9 s 5; 1947 c 633 s 7; 1953 c 600 s 8, 10; 1955 c 674 s 1] (3025)

128.07 TRANSPORTATION AID. Subdivision 1. **Consolidated districts.** To receive state aid for transportation, consolidated districts must contain not less than 12 sections of land and schools in such districts shall be in session at least nine months in the year and be well organized. They shall have suitable school houses with the necessary rooms and equipment. For transportation or board of resident pupils in consolidated school district, the state shall reimburse such districts at rates to be determined by the state board of education; provided, that no consolidated school district shall receive annually more than an average of \$60 per pupil per year transported or boarded, and provided further that such reimbursement shall not exceed 80 percent of the total cost thereof.

Subd. 2. [Repealed 1945 c 373 s 2]

Subd. 3. **Isolated pupils.** For assisting in providing for the school attendance of isolated pupils, the state board of education may assist school districts or the county board of education for unorganized territory in any county in providing for the transportation or board of such isolated pupils. To this end, the state board may grant to such school districts not to exceed \$72 annually for each such pupil transported or boarded. Such reimbursement shall not exceed 80 percent of the total cost thereof provided this limitation does not apply to the county boards of education for unorganized territory.

Subd. 4. [Repealed, 1957 c 867 s 10]

Subd. 5. **Attendance, secondary school in another district, reimbursement.** In a school district without a secondary school, resident pupils may attend a classified

secondary school in another district and shall receive board and lodging in or transportation to a district having a classified secondary school at the expense of the school district of pupil's residence. The county shall reimburse the school district not to exceed one and one-half times the amount of state aid. The county may pay the reasonable cost of such board and lodging or transportation in excess thereof. The state will reimburse the county therefor not to exceed \$48 per pupil per year. This subdivision applies to all districts which do not maintain senior high schools, to the unorganized territory of any county, to county districts, and to ten or more township districts where pupils are transported to or boarded at high schools in other districts, except it shall not apply to seventh and eighth grade pupils in a district which maintains an ungraded or graded elementary school unless approved by the school board of said district.

Subd. 6. Attendance at classified public area vocational-technical school in another district. In a district which does not maintain an area vocational-technical school or vocational classes, a resident pupil when authorized by the school board in the district where he resides may attend a classified public area vocational-technical school or vocational classes in a classified secondary school in another district when the resident district does not provide instruction in the vocational course or courses desired by the pupil. When he so attends, the resident district shall provide him board and lodging or transportation between his district and the school attended as provided in subdivision 5.

Subd. 7. Pupils from district where school is closed attending in another district; reimbursement. In a school district which closes or has closed its school and transports its elementary pupils to another district and pays tuition for them, the state shall reimburse the district for one-half the expense of transporting the pupils, but not to exceed \$18 per year per pupil.

[1915 c. 238 s. 2, 9; 1921 c. 230; 1921 c. 349 s. 1; 1921 c. 467 s. 7; 1923 c. 266 s. 1; 1931 c. 280 s. 1; 1933 c. 224; 1935 c. 209; 1935 c. 288 s. 2; 1935 c. 336; Ex. 1937 c. 78 s. 1; 1941 c. 169 art. 9 s. 7; 1947 c. 633 s. 8; 1949 c. 732 ss. 2, 3, 4, 5; 1951 c. 705 s. 1; 1953 c. 756 ss. 1, 2, 3] (2755, 2762, 2822-3, 3028)

128.08 TUITION. Subdivision 1. [Repealed, 1947 c. 633 s. 22]

Subd. 2. Payment to state schools of agriculture. For the tuition of students who have completed the eighth grade, who have not graduated from high school or any state schools of agriculture and who are not over 21 years of age attending the state schools of agriculture the state shall pay to the University of Minnesota, to be applied upon the tuition and laboratory and equipment fees of such pupils for the six months period of the school year, but in no case to exceed \$7 per pupil per school month, and in addition thereto, aid for such pupils transported or boarded at the rate of \$5.50 per pupil per month.

The appropriation for the above tuition and transportation shall be paid each year of the biennium out of the balance of the income tax school fund to the University of Minnesota, which in turn shall distribute these funds to each of the state schools of agriculture in proportion to the number of eligible pupils provided for above.

Subd. 3. [Repealed, 1947 c. 633 s. 22]

[1921 c. 467 s. 7; 1923 c. 266 s. 1; 1933 c. 224; 1935 c. 209; 1935 c. 288 s. 2; Ex. 1937 c. 78 s. 1; 1941 c. 169 art. 9 s. 8; 1941 c. 328; 1949 c. 732 s. 12; 1951 c. 705 s. 2] (3028)

128.081 DEFINITIONS. Subdivision 1. **Pupil units.** A pupil unit is the denominator used to compute the distribution of state aid. Pupil units for each resident pupil in average daily attendance shall be counted as follows:

(1) In an elementary school, for kindergarten pupils attending half-day sessions throughout the school year, one-half pupil unit and other elementary pupils, one pupil unit.

(2) In secondary schools, pupils in junior high school or a six-year high school, and all other pupils in secondary schools, one and one-half pupil units.

(3) In area vocational-technical schools one and one-half pupil units.

Subd. 2. Average daily attendance. Average daily attendance means the quotient to be obtained by dividing the number which represents the total of all days which all pupils attend school during the school year by the number of days during the school year while the school is in session.

Subd. 3. [Repealed, 1957 c 937 s 8]

Subd. 4. **Distressed school district.** A distressed school district is one which by reason of calamity, high tax delinquency or excessive debt, or a combination thereof, or by other justifiable cause is unable by taxation to collect sufficient revenue to maintain its schools therefrom on minimum standards established by the state board of education.

Subd. 5. **Emergency aid.** Emergency aid is money paid by the state to a distressed school district according to such standards. Such aid will be paid only when directed by the state board of education.

Subd. 6. [Repealed, 1957 c 937 s 8]

[1947 c 633 s 11; 1949 c 732 s 6, 7; 1951 c 705 s 3; 1953 c 756 s 4; Ex1955 c 1 s 1]

128.082 EQUALIZATION AID FORMULAE.

Subd. 1, 2, 3, 4. [Repealed, 1957 c 937 s 8]

Subd. 5. Where two or more school districts hereafter unite the state aid shall continue to be paid for the remainder of the school year in which the union was completed as the state aids were paid to the individual districts prior to the union.

Subd. 6. Every school district which provides instruction in other districts and which receives foundation program aid, and the county as provided in section 128.088, subdivisions 2 and 3, shall pay to the district furnishing elementary and secondary or area vocational-technical school instruction on account of such instruction, the actual cost thereof chargeable to maintenance exclusive of transportation costs.

There shall also be paid for capital outlay and debt service to the school district providing such instruction \$10 per pupil unit in average daily attendance for each nonresident pupil unit, except that every school district educating nonresident pupils may charge and include in its tuition, for capital outlay and debt service, an amount per pupil unit in average daily attendance based on the amount that the average expenditure for capital outlay and debt service determined by dividing such annual expenditure by the total number of pupil units in average daily attendance in the district exceeds \$10 per pupil unit. If the district has no capital outlay or debt service the school district receiving such funds may use them for any purpose for which it is authorized to spend money.

Subd. 7. Every school district which receives special state aid shall (1) maintain school or provide instruction in other districts, in teachers' college laboratory school or in the University laboratory school, at least nine months in a year. After September 1, 1951, the normal school year when school is in session shall be 170 days. A school district which holds school for that period and is otherwise qualified is entitled to special state aid as by law provided. If school is held a less period such special state aid shall be reduced in the proportion that school is held bears to 170 days, but school districts maintaining less than 170 days of school in session do not lose special state aid if the circumstances causing such loss of school time below 170 days were beyond the control of the school board and provided proper evidence has been submitted; provided further, that days devoted to teachers' institutes or other meetings authorized or called by the state commissioner of education may be included as part of the 170 days of school in session, and (2) furnish free textbooks to pupils, and all school districts are authorized to provide such free textbooks, and (3) expend for teachers' salaries not less than 65 percent of the maintenance expenditures exclusive of transportation but when such expenditures exceed \$150 per pupil unit in average daily attendance, such annual teachers' salary expenditures need not exceed 65 percent of the \$150 per pupil unit in average daily attendance exclusive of transportation. When the expenditure for teachers' salaries in a district does not meet the requirements of subdivision 7, clause (3), the special state aid to that district shall be reduced in the proportion that such salaries are reduced below the requirement, and (4) in any city of the first class in this state, operating under a home rule charter and in which city the schools are operated as a part of the city government under a board of education the city council or other governing body thereof is authorized and empowered to amend at any time the budget of said city in reference only to receipts and expenditures made or to be made for education purposes within said city to the extent that if current receipts, during the applicable period of operation of said budget, exceed the amount of the estimate of special state aids set out in said budget, such receipts over the estimate thereof may be spent in the years received for educational purposes.

Subd. 8. When a school district employs a teacher or teachers that do not hold a valid teaching certificate, special state aid shall be withheld in the proportion that the number of such teachers is to the total number of teachers employed by the district.

Subd. 9. [Repealed, 1957 c 937 s 8]

Subd. 10. When elementary or secondary pupils living on land owned by the University of Minnesota as a research center or as a housing project located outside a city of the first class attend school in a school district in which such research center or housing project is located, the state shall pay state aid to such school district at the same rate per pupil unit in average daily attendance exclusive of transportation as is paid per pupil unit in Minnesota Statutes, Section 128.082, Subdivision 6.

The state aid referred to in this section shall be paid from the special state aid fund based upon an annual application submitted to the state commissioner of education.

Subd. 11. State aid for summer school classes which are not a part of the regular school term in hospitals, sanatoriums, home instruction programs, in elementary and secondary schools and summer school instruction, in area vocational schools or teachers college laboratory schools or in the University laboratory school shall be paid at a proportionate rate for aids paid during the regular school term.

[1947 c 633 s 12; 1949 c 732 s 8; 1951 c 705 s 4; 1953 c 756 s 5; 1955 c 418 s 1; Ex 1955 c 1 s 2, 3; 1957 c 937 s 3]

128.083 STATE AID ADJUSTMENTS. In any case when pupils are prevented from attending school because of epidemic, calamity or weather, or other justifiable cause, the state board of education in determining the amount of state aid to be allotted to the district may increase the sum to which the district is otherwise entitled not to exceed ten per cent.

[1947 c. 633 s. 13]

128.084 AID APPORTIONMENT. Appropriations made for special state aid are for the following purposes:

Foundation program aid; emergency aid; transportation aid provided in section 128.07; aid for special classes of handicapped children provided in sections 131.081 to 131.089; teacher training mentioned in section 128.15; gross earnings tax aid mentioned in Minnesota Statutes, section 128.22, tuition and transportation aid as mentioned in section 128.08 as it applies to state schools of agriculture and vocational aid as provided in section 128.31. Before any other aids are paid, transportation aid shall be paid.

[1947 c 633 s 14; 1951 c 705 s 5; 1957 c 937 s 6]

128.085 DATES OF AID PAYMENT. Special state aid shall be paid to school districts in September and March based upon information available. In August a final distribution for the previous school year shall be made based upon accurate information.

[1947 c 633 s 15; 1953 c 756 s 6]

128.086 CERTAIN LAWS NOT AFFECTED. Unless and until superseded by the provision of Laws 1947, Chapter 633, all laws now in effect relating to the payment of state aids shall continue in operation.

[1947 c. 633 s. 19]

128.087 SECONDARY SCHOOL TUITION. Any person of school age residing in a school district in which no classified secondary school or area vocational-technical school is maintained is entitled to attend such school outside his resident district under standards established by the state board of education.

[1947 c. 633 s. 20; 1949 c. 732 s. 10]

128.088 ALLOCATION OF AID. Subdivision 1. **Certification as to resident pupils attending school in other districts.** It is the duty of the county superintendent in each county before July 1, 1947, and annually thereafter to certify to the board of county commissioners the number of resident pupils of each school district in the county wherein no classified secondary school or area vocational-technical school was maintained in the preceding school year, who attended a classified secondary school in another district, naming the district attended, the length of time attended by each pupil, and the tuition charged for each pupil by the district which furnished the instruction.

In counties having no superintendent of schools the school district shall make such certification.

Subd. 2. **Tuition paid by county board.** The county auditor of the pupil's residence shall thereupon cause to be paid out of the county school tax fund hereby created to each such school district which furnished such instruction the tuition so charged for such instruction.

Subd. 3. **Reimbursement to county board.** State apportionment, and special state aid paid by the state on account of such secondary school or area vocational-technical school instruction shall be paid to the county which pays such high school tuition.

Subd. 4. **Tax levy for tuition.** The board of county commissioners in the county which pays such tuition, at its July meeting shall determine the total sum to be paid on account of such tuition for the current school year in excess of the aid to be received from the state on account thereof, and shall levy a tax for such sum sufficient to pay such tuition, and the county auditor shall spread such tax on the property in the school districts of the county which maintains no classified secondary school in the manner provided by law for spreading other taxes therein and such taxes shall be collected in the same manner as other taxes on property are collected. When collected such taxes shall be credited to the county school tax fund which is hereby created. In the event that the tax levy in any year is insufficient with state aid to reimburse the county for its expenditures for tuition in that year, the county auditor shall extend a separate tax in any subsequent year against the same area to make up the deficit. The proceeds of such tax shall be retained by the county.

When the tax rate required to produce the amount levied for county tuition in any county in any year exceeds by 50 percent the average rate of the tax levied for such purposes in all counties of the state, which average rate shall be determined by dividing the total amount of taxes levied for the current school year only by all counties for such purposes by the total taxable valuation of all property in all counties of the state against which taxes were imposed for such purposes by such counties in such year, then one-half of the amount of any excess over 50 percent of the amount which would be produced by a levy of such state rate upon the total taxable valuation of all property in such county against which a tax for such purposes was levied shall be paid to such county from the appropriation in this item, and if such appropriation is insufficient to pay the full amounts due all counties entitled to such payments, then they shall be paid their pro rata share of such appropriation.

Subd. 5. **Levy for transportation.** The board of county commissioners in the county which shall receive state aid for transportation shall, at its July meeting, determine the total sum to be paid on account of such transportation for the preceding year in excess of the aid received from the state on account thereof, and shall levy a tax for such sum sufficient to pay such transportation, and the county auditor shall spread such tax on the property of the county. Such taxes shall be collected in the same manner as other taxes are collected. When collected such taxes shall be credited to the county school transportation tax fund, which is hereby created.

Subd. 6. **Temporary payments out of general revenue fund.** Until there shall be money in such fund out of which to make the disbursements herein provided, such disbursements shall be paid out of the general revenue fund of the county, but any money paid from the general revenue fund shall be replaced therein from money thereafter collected and credited to the county school tax fund.

Subd. 7. **Surplus funds, transfer.** When, by reason of reorganization of school districts by authority of Minnesota Statutes, Sections 122.40 to 122.55, there is a surplus in the county treasury to the credit of the county school tax fund, created by Subdivision 4, on account of an excessive tax levy heretofore made, and when there is no need therefor, the surplus shall be paid by the county treasurer to the reorganized school district upon the order of the county board.

Before the county board makes this order, it must find that such facts exist.

[1947 c 633 s 21; 1949 c 732 s 11; 1951 c 705 s 6; 1953 c 32 s 1, 2; 1953 c 131 s 1; 1953 c 756 s 7; 1953 c 684 s 1]

128.09-128.11 [Repealed, 1947 c 633 s 22]

128.091 **FOUNDATION PROGRAM AID.** (a) Foundation program aid shall be special state aid for schools as computed under the terms of section 128.092.

(b) Current adjusted assessed valuation for the purposes of Laws 1957, Chapter 937, shall mean the adjusted assessed valuation as determined by the equalization aid review committee under the provisions of section 128.093, provided, that for the 1957-1958 school year it shall mean the correct assessed valuation approved by the equaliza-

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tion aid review committee and filed with the commissioner of education in the calendar year 1956 and for the 1958-1959 and 1959-1960 school years it shall mean the correct assessed valuation approved by the equalization aid review committee and filed with the commissioner of education in the calendar year 1957.

[1957 c 937 s 1]

128.092 MAXIMUM AMOUNT OF FOUNDATION PROGRAM AID. Subdivision 1. The maximum amount of foundation program aid, including the amounts payable under both Minnesota Statutes, section 128.02 and Minnesota Statutes, section 290.62, which a school district or unorganized territory may receive shall equal (a) or (b) as calculated under the provisions of this subdivision, whichever is greater, less the maximum foundation program aid payable to the county for resident pupils of the district under the provisions of Minnesota Statutes, section 128.088, subdivision 3 and computed under the provisions of subdivision 2 of this section:

(a) \$240 for each resident elementary, secondary, and area vocational-technical pupil unit in average daily attendance less (16.5 mills times the current adjusted assessed valuation of the district or unorganized territory); provided that for the purposes of this subdivision the current adjusted assessed valuation of any district or unorganized territory which receives refunds under the provisions of Minnesota Statutes, section 128.022, as amended, or Minnesota Statutes, section 360.133, shall include the taxable valuation of exempt property used in computing the amount of such refund.

(b) The amount payable under Minnesota Statutes, section 290.62 plus \$85 for each resident elementary, secondary, and area vocational-technical pupil unit in average daily attendance, which \$85 per pupil unit in average daily attendance shall include the amount payable under Minnesota Statutes, section 128.02.

Subd. 2. The maximum amount of foundation program aid which a county may receive as partial reimbursement for tuition paid under the provisions of Minnesota Statutes, section 128.088, subdivision 2 shall be the total of the amounts of maximum foundation program aid earned by the attendance in classified secondary or area vocational-technical schools of pupils residing in districts of the county which do not maintain classified secondary schools; for each such district in which (a) in subdivision 1 of this section determines the maximum foundation program aid due, the maximum foundation program aid paid to the county shall be that amount which bears the same ratio to the maximum foundation program aid to which the district is entitled under (a) as the total number of secondary and area vocational-technical pupil units of the district bears to the total number of elementary, secondary, and area vocational-technical pupil units of the district; for each such district in which (b) in subdivision 1 of this section determines the amount of maximum foundation program aid due, the maximum foundation program aid paid to the county shall be \$85 times the total number of secondary and area vocational-technical pupil units of the district, which \$85 per pupil unit shall include the amount payable under Minnesota Statutes, section 128.02.

Subd. 3. If for the school year for which aid is to be paid the actual cost per pupil unit in average daily attendance in the school district or unorganized territory for maintenance exclusive of transportation costs does not equal or exceed \$210 the foundation program aid shall be reduced, and the adjusted foundation program aid paid to the school district or unorganized territory shall not exceed the amount that bears the same ratio to the maximum foundation program aid to which it would be entitled under the provisions of subdivision 1 of this section that such actual maintenance cost per pupil unit bears to \$210.

Subd. 4. If for the school year for which aid is to be paid to the county the average amount per resident pupil unit paid from the county tuition fund under the provisions of section 128.082, subd. 6, for maintenance exclusive of transportation costs does not equal or exceed \$210, the foundation program aid to the county shall be reduced, and the adjusted foundation program aid paid to the county shall not exceed the amount that bears the same ratio to the maximum foundation program aid to which it would be entitled under the provisions of subdivision 2 of this section that such average amount paid per pupil unit bears to \$210.

Subd. 5. If the total amount levied under the provisions of Minnesota Statutes, section 128.088, subdivision 4 and for maintenance, exclusive of the one mill county school tax, Minnesota Statutes, section 127.02, on the valuation established as of May 1 prior to the opening of the school year for which aid is to be paid on the

property of the school district or of the unorganized territory does not equal or exceed the amount that would be produced by a 13 mill tax on the current adjusted valuation of the school district or of the unorganized territory, as defined in section 128.091 the foundation program aid as adjusted under the provisions of subdivision 3 of this section shall be further reduced, and the net foundation program aid paid to the school district or unorganized territory shall not exceed the amount which bears the same ratio to the adjusted foundation program aid to which it would be entitled under the provisions of subdivision 3 of this section as such total amount levied bears to the amount that would be produced by such 13 mill tax.

Subd. 6. If the total amount levied under the provisions of Minnesota Statutes, section 128.088, subdivision 4 and for maintenance, exclusive of the one mill county school tax, Minnesota Statutes, section 127.02, on the valuation established as of May 1 prior to the opening of the school year for which aid is to be paid on the respective taxable properties of the school districts of the county which do not maintain classified secondary schools in that year does not equal or exceed the amount that would be produced by a 13 mill tax on the total of the current adjusted assessed valuations of those same districts as defined in section 128.091, the foundation program aid as adjusted under the provisions of subdivision 4 of this section shall be further reduced, and the net foundation program aid paid to the county shall not exceed the amount that bears the same ratio to the adjusted foundation program aid to which it would be entitled under the provisions of subdivision 4 of this section as such total of all amounts levied bears to the amount that would be produced by such a 13 mill tax.

Subd. 7. Other provisions of Laws 1957 c 937 notwithstanding no district, unorganized territory, or county shall receive less net aid than the amount to which it is entitled under Minnesota Statutes, section 128.02, or less net aid than the amount to which it is entitled under section 2, subdivision 1(b).

[1957 c 937 s 2]

128.093 EQUALIZATION AID REVIEW COMMITTEE. The equalization aid review committee, consisting of the commissioner of education, the commissioner of administration, and the commissioner of taxation, is hereby continued and permanently established. The duty of this committee shall be to review the assessed valuation of the school districts of the state. When such reviews disclose reasonable evidence that the assessed valuation of any school district furnished by any county auditor is not based upon the correct full and true valuation of taxable property in such school districts, then said committee shall call upon the department of taxation to ascertain the correct full and true value of such property, and adjust such values as required by law to determine the correct assessed valuation. The department of taxation shall take such steps as it may consider necessary in the performance of that duty and may incur such expense as is necessary therefor. On July 1, 1958 and of each year thereafter the department of taxation shall submit its report to said committee for approval or rejection and, if approved, such report shall be filed with the commissioner of education not later than the following January first, and shall replace, for the school year following the next January first, the valuation figure for the calculation of foundation aid as defined in section 128.091 and gross earnings aid under Minnesota Statutes, section 128.22, as amended, provided by any county auditor. A copy of this report shall be forthwith mailed by certified mail to the clerk of each school district involved and to the county auditor and county assessor or supervisor of assessments of the county or counties in which each such school district is located.

Should any district within 30 days after receipt of a copy of the report filed with the commissioner of education show the equalization aid review committee that an error has been made in the determination of its correct full and true valuation, and the committee agrees that such error has been made, the committee shall redetermine the correct full and true value of such property, and adjust such values as required by law to determine the correct assessed valuation of said district and file such redetermination with the commissioner of education. For such purposes, the committee may call upon the department of taxation to assist it in determining whether error has, in fact, been made.

[1957 c 937 s 4]

128.094 AREA VOCATIONAL SCHOOL, ATTENDANCE OF SECONDARY SCHOOL GRADUATE. Any secondary school graduate may attend an area vo-

cational school without tuition and in that event all state aids and federal aid shall be paid to the area vocational school where the student attends providing the area school has the room and facility to receive the non-resident student.

[1957 c 937 s 7]

128.111 AID RECEIVED FROM FEDERAL GOVERNMENT NOT CHARGEABLE AGAINST SUPPLEMENTAL AID. The moneys received from the Federal Government by any school district as its share of the distribution of proceeds from the sale of timber or rental of lands shall not be chargeable against the gross earnings aid received by the district under the provisions of section 128.22 as amended by Laws 1955, Chapter 689.

[1943 c 306 s 1; 1945 c 268 s 1; 1957 c 118 s 1]

128.12 [Repealed, 1947 c 633 s 22]

128.13 [Repealed, 1957 c 867 s 10]

128.14 STATE AND FEDERAL AID FOR EVENING SCHOOLS. For evening schools for persons over 16 years of age and not in attendance upon regular day schools, the state shall pay to any school district maintaining such schools in accordance with requirements established by the state board of education, from state funds appropriated for that purpose, or such funds combined with federal funds in so far as federal funds are available, one-half the salaries of all teachers who teach in such evening schools. Attendance at evening schools maintained under the rules established by the state board of education shall entitle such district maintaining the same to its pro rata apportionment of state school funds for all pupils not over 21 years of age on the same attendance basis as that provided for day schools, counting each evening session of two or more hours as the equivalent of one day.

[1917 c. 356 s. 3; 1921 c. 350 ss. 3, 4; 1921 c. 467 s. 10; 1923 c. 331 s. 1; 1923 c. 382 s. 1; 1935 c. 288 s. 5; 1941 c. 169 art. 9 s. 14] (2829, 2830, 3031)

128.15 AID FOR TEACHER TRAINING IN SECONDARY SCHOOLS. For teacher training in secondary schools such board is authorized to determine amounts of state aid to be granted to any school district for the maintenance of this work.

[1921 c. 467 s. 11; 1939 c. 437 s. 7; 1941 c. 169 art. 9 s. 15; 1947 c. 633 s. 9] (3032)

128.16, 128.17 [Repealed, 1947 c. 633 s. 22]

128.18 PAYMENT OF SPECIAL STATE AID. Subdivision 1. **Manner of payment.** The special state aid fund and all other sums made available by the legislature as special state aid to schools shall be paid in the following manner.

Subd. 2. **Distribution to counties.** On or before October 1 in each year, it shall be the duty of the commissioner of education to deliver to the state auditor a certificate in duplicate for each class of schools in each county of the state entitled to receive state aid under the provisions of this chapter. Upon the receipt of such certificate, it shall be the duty of the state auditor to draw his warrant upon the state treasurer in favor of the county treasurer for the amount shown by each certificate to be due to the several schools therein enumerated. The state auditor shall transmit such warrants to the county auditor together with a copy of the certificate prepared by the commissioner of education.

Subd. 3. **Distribution to high school districts.** Upon receipt by the county auditor of such warrants and the certificate, it shall be the duty of the county auditor to credit the several school districts with the amounts stated in the certificate, then charging the county treasurer with the aggregate amount so received, and forthwith deliver to the county treasurer the warrants. The funds so credited to the several school districts shall be paid to the treasurers thereof in the same manner now provided by law for the payment of school funds to school district treasurers.

[1921 c. 467 s. 13; 1941 c. 169 art. 9 s. 18] (3034)

128.183 STATE AID, SCHOOL DISTRICTS; LIMITATIONS. The total amount of aid paid by the state to any school district for any year shall not exceed the total amount expended by the district for education of resident pupils during such year.

[1957 c 190 s 1]

128.19, 128.20 [Repealed, 1947 c. 633 s. 22]

128.21 COUNTY BOARDS TO APPROPRIATE MONEY FOR COUNTY EDUCATIONAL WORK. In all cases provided for in this chapter, wherein state aid is made available for county use, the county board is hereby authorized to make appointments of persons for county service and to appropriate county funds for the purpose of maintaining such county educational work.

[1921 c. 467 s. 12; 1941 c. 169 art. 9 s. 21] (3033)

128.22 GROSS EARNINGS AID. Subdivision 1. **Computation.** When the properties of any school district in this state are made up, to the extent of at least 20 percent in value, of property which is exempt from local taxation because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax law, such district shall receive annually a refund from such gross earnings taxes in the amount that would be produced by a tax on such exempt property at the current tax rate for school purposes in the school district, including the rate for non-resident high school children levied by the county provided that any district which has 18 percent in value of such exempt property and presently receiving gross earnings refund shall continue to receive it until June 30, 1959. For the purposes of determining the amount of this refund, the value of such exempt property shall be set at 30 percent of its full and true value except that in no case shall the assessed value of said exempt property for this purpose exceed such an amount as when added to the assessed value of all other property in the school district exceed \$3,000 per resident pupil unit. In the determination of the amounts to which the school districts shall be entitled in the distribution of any state aids that are based upon total valuation per pupil this valuation shall be included.

Subd. 3. Application. Any school district entitled to a tax refund under the provisions of this section shall apply to the state auditor on or before July 1 of each year for such a refund and the state auditor shall immediately secure the necessary information on the valuation of the railroad property located in such a district from the railroad and warehouse commission subject to taxation under the gross earnings tax act, except rolling stock and the main tracks, and the local school tax rate in such a district, and compute the same. For the purposes of this section the railroad valuation shall be taken as of December 31 of the year preceding the application, the taxable valuation as of January 1 of the year of the application, the tax rates as of the year of the application and the enrollments as of June 1 of the year of application. He shall forthwith draw a warrant on the state treasurer for such a refund to be paid from the appropriation otherwise made for that purpose.

Subd. 5. Valuation of taxable property. For the purpose of determining the applicability of this section to any school district, the taxable valuation of taxable property shall be 30 percent of the full and true value of such property as determined by the equalization aid review committee, and the valuation of the exempt property shall be the full and true value of the exempt property as reported annually by the railroad and warehouse commission. For the purpose of determining refunds the taxable valuations of such property shall be taken at 30 percent of the assessed valuations as adjusted by the equalization aid review committee and the valuation of the exempt property shall be taken at 30 percent of its full value.

Subd. 6. Method of payment. Any school district qualified to receive gross earnings tax refunds under the provisions of this section may make application to the state auditor on or before the first day of March of each year for one-half of the estimated tax refund which the school district is entitled to. The state auditor shall then investigate the qualifications of the school district and if he finds it is entitled to the refund as provided by this section he shall immediately then advance one-half of the payment due to the district under this section and then pay the remainder to the school district the following October.

[1921 c 271 s 1-3; 1927 c 338 s 1; 1941 c 169 art 9 s 22; 1945 c 267 s 1; 1949 c 684 s 1; 1949 c 712 s 1, 2; 1953 c 474 s 1; 1955 c 689 s 1, 2; Ex1957 c 9 s 1] (3036-1, 3036-2, 3036-3)

128.23 [Repealed, 1949 c. 712 s. 4]

128.234 AID IN LIEU OF TAXES; NON-TAXABLE LAND. Subdivision 1. In any school district where real estate taxes are not being levied against 40 percent or more of the total land area there is hereby appropriated annually, in lieu of taxes, an amount equal to ten cents for each acre of non-taxable lands to be paid from the state income tax fund to the school district within which such land is situated, except that no school district shall receive hereunder in any one year more than \$25,000 or an amount in excess of \$25 per pupil unit in average daily attendance in kindergartens and grades one through twelve.

Subd. 2. The money hereby appropriated shall be used only for maintenance.

Subd. 3. No school district with an assessed valuation of \$1,300 or more per pupil unit in average daily attendance shall receive any aid under the provisions of sections 128.234, and 128.235, but this subdivision does not apply in the case of any consolidated school district formed in accordance with the provisions of Minnesota

Statutes, section 123.23, in which not less than 85 percent of the lands therein are tax exempt, and this subdivision does not apply in the case of any school district with more than 30 townships in which not less than 50 percent of the lands therein are tax exempt.

Subd. 4. Each county auditor shall supply to the state auditor plats with checkings thereon indicating the location and description of such lands situated within the school districts of the county.

[1949 c 648 s 1; 1951 c 586 s 1; 1953 c 245 s 1; 1957 c 635 s 1]

128.235 APPROPRIATIONS, DISTRIBUTION. There is hereby annually appropriated from the state income tax fund \$260,000 to be distributed by the state auditor under the terms hereof, and in the event that said sum shall be insufficient to pay the full amount to which said school districts shall be entitled hereunder, the state auditor shall apportion said sum pro rata to each of said school districts.

[1949 c 648 s 2; 1951 c 586 s 2]

128.24 AID IN LIEU OF TAXES. Subdivision 1. **State owned lands.** There is annually appropriated from the revenue fund of this state \$50,000 in aid of the public schools of this state, available, on or before April 1 of each year.

Subd. 2. **Distribution and appropriation.** The amount so appropriated shall be annually divided among and distributed to the several counties of this state for the use and benefit of and in aid of the public schools thereof in addition to all other state aid or relief and the treasurer of each county receiving such aid shall redivide and redistribute the same to and to the use and benefit of the public schools of his county in proportion to the acreage of state-owned trust fund lands which have never been sold in each respective school district situated therein; provided, that in calculating the acreage of such trust fund lands in any county, lands which have heretofore been or hereafter may be leased by the state for mineral purposes shall not be included in the calculation; and the amount received by any school district in any year shall not exceed five cents per acre for each acre of such trust fund lands situated within such school district after excluding such leased lands. No school shall receive under the terms of this section in any one year an amount in excess of \$15 per pupil enrolled in grades one through 12.

Subd. 3. **Restrictions on use of funds or buildings.** No part of the money hereby appropriated shall be available for or be used for the purchase of any school site or the erection of any school building.

Subd. 4. **Duty of state auditor; plats of unsold state lands.** The state auditor shall supply to each county auditor plats with checkings thereon indicating the location and the description of such trust fund lands situated within the towns of his county.

[1911 c. 341 s. 1, 2, 3, 4; Ex. 1936 c. 61 s. 2; 1941 c. 169 art. 9 s. 24; 1947 c. 431 s. 1] (3021-11, 3021-12, 3021-13, 3021-14)

128.25 FEDERAL AID IN LIEU OF TAXES; NATIONAL FORESTS. The board of county commissioners of any county, may, in its discretion, place the money, or any part thereof, received by such county from the federal government for and on account of any national forest lands situated therein into a special fund to be disbursed and paid over to any school district now or hereafter maintaining and operating any school wholly or partly within an area now or hereafter constituting a part of any auxiliary or state forest. Such action shall be taken by the board by resolution duly adopted by it, which resolution shall specify the terms and conditions under which this money shall be so paid over and disbursed to any school district.

[1931 c. 383; 1941 c. 169 art. 9 s. 25] (2997-2)

128.26 ACCEPTANCE OF FEDERAL PROVISIONS RELATING TO VOCATIONAL EDUCATION. The provisions of the act of congress of the United States entitled "an act to provide for the promotion of vocational education; to provide cooperation with the states in the promotion of such education in agriculture and in the trades and industries; to provide cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," and approved February 23, 1917, and acts amendatory thereto, be and the same are hereby accepted, and the benefits of all funds appropriated under the provisions of such acts are hereby accepted as provided in such acts.

[1917 c. 491 s. 1; 1939 c. 145 s. 5; 1941 c. 169 art. 9 s. 26] (3041)

128.27 STATE BOARD OF EDUCATION TO ADMINISTER VOCATIONAL EDUCATION. The state board of education, as established by Laws 1919, Chapter 334, and acts amendatory thereto, is hereby designated the state board for vocational education as provided in such acts and is charged with the duty and responsibility of cooperating with the United States office of education or other federal agency in the administration of such acts and is given all power necessary to such cooperation. The state board for vocational education is authorized to make such expenditures as it may deem necessary to carry out the provisions hereof from money available for the purposes of sections 128.26 to 128.35.

[1917 c. 491 s. 2; 1939 c. 145 s. 6; 1941 c. 169 art. 9 s. 27] (3042)

128.28 APPOINTMENT OF OFFICIALS AND ASSISTANTS. The state board for vocational education shall have authority to appoint such officials or assistants as may be necessary to administer the federal act and sections 128.26 to 128.35, to fix the salaries of such persons appointed, and to make expenditures from the state funds appropriated for the salaries and necessary expenses of such officials and assistants, or to use a portion of such funds in matching federal funds available for the same purpose.

[1919 c. 414 s. 4; 1939 c. 145 s. 4; 1941 c. 169 art. 9 s. 28] (3040)

128.29 STATE TREASURER, CUSTODIAN OF FEDERAL FUNDS. The state treasurer is appointed custodian of all funds for vocational education, as provided in such acts, and is charged with the duty and responsibility of receiving and providing for the proper custody and proper disbursement of money paid to the state and the appropriations made under the provisions of such acts.

[1917 c. 491 s. 3; 1939 c. 145 s. 7; 1941 c. 169 art. 9 s. 29] (3043)

128.30 FEDERAL VOCATIONAL AID; CONTINUING STATE APPROPRIATION. There shall be appropriated biennially a sum of not less than the amount to which the state of Minnesota is entitled under Sections 3 and 4 of an act of congress of the United States, approved February 23, 1917, and acts amendatory thereto, relating to the promotion of vocational education and for appropriations to the states for instruction in agriculture, trade and industrial education, home economics and distributive education, and for the training of teachers of vocational subjects.

[1919 c. 414 s. 1; 1939 c. 145 s. 1; 1941 c. 169 art. 9 s. 30] (3037)

128.31 VOCATIONAL AID; RULES GOVERNING DISBURSEMENT. Whenever any school district shall have established a vocational school, department, or classes in accordance with the rules and regulations established by the state board for vocational education and the plan for vocational education adopted by that board and approved by the United States office of education or other federal agency to which its functions are assigned, the state board for vocational education shall reimburse such school district or state tax supported institution for its expenditures for salaries and necessary travel of vocational teachers or other reimbursable expenditures from federal funds and may supplement such federal funds with such state aid as it may deem desirable under such rules as it may adopt, provided, however, that in the event of such funds not being sufficient to make such reimbursement in full, the state board for vocational education shall prorate the respective amounts available to the various districts entitled to receive reimbursement. All instruction may be given at the place of the abode of the pupils, and adults may be given instruction in adjoining or nearby districts.

In like manner the state board for vocational education shall have power to reimburse other governmental agencies for expenditures for salaries and necessary travel expenses of vocational teachers from federal funds, according to rules and regulations adopted by the state board for vocational education.

When local school districts desire but cannot provide vocational instruction for the related training required by apprentices and other learners in the trade, industrial, and distributive fields, the state board for vocational education is empowered upon request of such local school district or districts to employ itinerant vocational teachers to provide this service and pay the salary and necessary travel expense from authorized federal and state vocational aid funds under such rules as it may adopt. An itinerant vocational teacher in this section is defined as a vocational teacher employed to give part-time or periodic vocational instruction in one or more school districts.

[1919 c. 414 s. 2; 1921 c. 467 s. 20; 1939 c. 145 s. 2; 1941 c. 169 art. 9 s. 31; 1943 c. 572 s. 1; 1945 c. 374 s. 1; 1949 c. 713 s. 1] (3038)

128.311 ALLOTMENT OF STATE AND FEDERAL FUNDS FOR VOCATIONAL EDUCATION. When aid is received through an appropriation by the Congress of the United States conditioned upon the state meeting requirements specified by the government of the United States the state board of education shall allot the necessary funds to be paid by the state out of the special state aid fund as provided in Minnesota Statutes 1945, Section 128.31.

[1947 c. 633 s. 10]

128.32 DISTRICTS OR AGENCIES ENTITLED TO FEDERAL AID. Any school district or any other governmental agency designated by the state board for vocational education which maintains a vocational school, department, or class shall be entitled to federal money under such acts for the salaries and necessary travel expenses of teachers of agriculture, trade and industrial education, home economics, and distributive education by meeting the requirements fixed by the state board for vocational education and approved by the United States office of education or other federal agency to which its functions are assigned.

[1917 c. 491 s. 4; 1939 c. 145 s. 8; 1941 c. 169 art. 9 s. 32] (3044)

128.33 FEDERAL AID FOR TEACHER TRAINING. Teacher training schools and departments shall be entitled to federal money for the preparation of teachers of agriculture, trade and industrial education, home economics, and distributive education by meeting the requirements fixed by the state board for vocational education and approved by the United States office of education or other federal agency to which its functions are assigned for the preparation of such teachers. The state board for vocational education shall reimburse institutions selected by it to train teachers of vocational subjects to an amount of not to exceed one-half of the expenditures made for such training by these institutions, provided that no federal funds may be applied directly or indirectly to the purchase, erection, preservation, or repair of any building or equipment, or for the purchase or rental of lands or for the support of any religious or privately owned school or college.

[1917 c. 491 s. 4; 1939 c. 145 s. 8; 1941 c. 169 art. 9 s. 33] (3044)

128.34 DISBURSEMENTS OF VOCATIONAL AID; HOW MADE. All disbursements of federal money for the benefit of such teachers training schools or departments shall be made on the requisition of the state board for vocational education by the state treasurer to the legally constituted authorities having custody of the money of such training schools or departments. All disbursements of federal and state money for the benefit of such vocational schools, departments, or classes shall be made on the requisition of the state board for vocational education by the state treasurer to the treasurers legally qualified to receive and disburse the funds for the school districts or governmental agencies establishing and maintaining such schools, departments, and classes as herein provided.

[1917 c. 491 s. 5; 1939 c. 145 s. 9; 1941 c. 169 art. 9 s. 34] (3045)

128.35 REPORTS TO LEGISLATURE. The state treasurer, as custodian for vocational education funds, shall make to the legislature at each biennial session a report of the receipts and disbursements of money received by him under the provisions of federal and state acts relating to vocational education and the state board for vocational education shall make to the legislature at each biennial session a report of its administration of such acts and the expenditure of money allotted to the state under the provisions of such acts.

[1917 c. 491 s. 6; 1939 c. 145 s. 10; 1941 c. 169 art. 9 s. 35] (3046)

128.36 ACCEPTANCE OF FEDERAL AID. Subdivision 1. Governor may accept. In the event that the congress of the United States enacts legislation providing educational assistance to the states for the purposes of

- (1) General improvement of public elementary and secondary schools,
- (2) Improvement of school library service,
- (3) Improvement of health, welfare, and recreational service in the public schools,
- (4) Improvement of nursery schools and kindergartens,
- (5) Improvement of services for handicapped pupils,
- (6) Improvement of educational and vocational guidance activities,
- (7) Improvement of vocational education,
- (8) Improvement of rehabilitation and placement services,
- (9) Improvement of technical and vocational institutes of secondary grade,

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- (10) Stimulation and improvement of part-time, civic, vocational and general adult education and recreational activities conducted by school systems,
- (11) Transportation of pupils,
- (12) Purchase of books and instructional material,
- (13) Provision of scholarships,
- (14) Improvement of teacher preparation,
- (15) Construction of school buildings,
- (16) Facilitating administration in state departments of education,
- (17) Stimulating and facilitating adequate rural library services, and
- (18) Making provision for educational research, planning and demonstrations,

or for one or any combination of the above purposes, at a time when the legislature is not in session, the governor shall have power to accept the provisions of such act or acts of congress of the United States, or to accept such parts or provisions as may be separately acceptable, by executive order, upon recommendation of the state board of education and pending further action by the legislature

Subd. 2. State board of education to administer funds. Pursuant to such acceptance, the state board of education shall have authority to make and secure approval of plans to carry out the purposes of the provisions accepted.

Subd. 3. **State treasurer to be custodian of funds.** The state treasurer shall be the custodian of all funds received from the United States government on account of such acceptance, and he shall disburse such funds on requisition of the state board of education for purposes consistent with the acts of congress and in accordance with the provisions of this section and of the order of acceptance.

[1939 c. 206 ss. 2, 3, 4; 1941 c. 169 art. 9 s. 36] (3047-2, 3047-3, 3047-4)

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