

## CHAPTER 121

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**121.01 M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]**

**121.01 DEFINITIONS.** For the purpose of this chapter, the terms defined in section 120.02 have the same meaning.

[Ex1959 c 71 art 2 s 1]

**121.02 M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]**

**121.02 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 appointment.

The members of the state board 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. As the term of each such member expires the governor shall appoint a successor for a term of seven years. All vacancies in the state board shall be filled for unexpired terms by appointments by the governor. The members of the state board shall receive as compensation for their services the sum of \$25 per 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 state 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 public office, or be engaged in any capacity where a conflict of interest may arise.

[Ex1959 c 71 art 2 s 2]

**121.03 M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]**

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

[Ex1959 c 71 art 2 s 3]

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**121.04** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

**121.04 MEMBERSHIP IN CERTAIN ORGANIZATIONS.** Subdivision 1. The state board 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 on the basis of actual and necessary expenses incurred by the council in preparing these services.

Subd. 2. The state board may become a member of associated state boards of education and appoint not more than two of its members to attend its meetings. The amount of annual membership dues in such association and actual and necessary expenses incurred in attending such meetings shall be paid as other expenses of the state board are paid.

[Ex1959 c 71 art 2 s 4; 1961 c 556 s 1]

**121.05** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

**121.05 CONTRACTS WITH FEDERAL GOVERNMENT.** Subdivision 1. **Regulations governing.** The state board 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.

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 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 state board and in no other manner.

[Ex1959 c 71 art 2 s 5]

**121.06** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

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

[Ex1959 c 71 art 2 s 6]

**121.07** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

**121.07 ORGANIZATION AND RULES.** The state board is authorized to make complete organization of the department 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 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.

[Ex1959 c 71 art 2 s 7]

**121.08** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

**121.08 STATE BOARD; OFFICES; EMPLOYEES.** The state board 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 may appoint necessary employees, subject to the provisions of the civil service law and the amount appropriated by the legislature for that purpose. The state board shall designate the working title of each employee except that of the commissioner.

[Ex1959 c 71 art 2 s 8; 1965 c 45 s 8]

**121.09** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

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

[Ex1959 c 71 art 2 s 9]

**121.10** M.S. 1957 [Repealed, Ex1959 c 71 art 8 s 26]

**121.10 OFFICERS AND EMPLOYEES, BONDS.** The state board 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.

[Ex1959 c 71 art 2 s 10]

**121.11 M.S. 1957** [Repealed, Ex1959 c 71 art 8 s 26]

**121.11 STATE BOARD.** Subdivision 1. **Powers.** The state board of education shall serve for all purposes as the state board for vocational education.

Subd. 2. **Certificates issued.** The state board 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. **Secondary school areas.** (1) To facilitate and control the transportation of non-resident pupils, the state board shall divide the state into secondary 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 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 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. The decision of any board to transfer any area between secondary school areas is subject to a referendum vote of the electorate of the district at a special election on the question pursuant to statutes for conduct of special elections. After such election, or vote of the board, the board of the district having voted on such transfer shall report to the state board the results of the election for the purpose of recording the transfers.

(2) The state board may formulate such rules as may be necessary for establishing, maintaining, and administering such school areas.

(3) The state board may appoint county school area 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 non-resident 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.

(4) 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 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 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 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, junior colleges and public educational agencies in the state, classify and standardize public elementary and secondary schools, and junior colleges, and prepare for them outlines and suggestive courses of study. The board shall establish rules relating to examinations, reports, acceptances of schools and junior colleges, 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 subject in the elementary field, the state board may require that examinations be given in any elementary school, such examinations to be designated or prepared under the direction of the state board.

Subd. 9. **Uniform forms for state examinations.** Upon the request of any superintendent of any public or private school teaching high school courses in

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the state, the state board 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 before January first of such year.

**Subd. 10. Examination of other schools.** Under such rules as may be prescribed by the state board, the county superintendent shall conduct the state board 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 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. The county board shall prescribe the total amount of funds available for this purpose. The county superintendent 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.

**Subd. 11. Evening schools under state board; investigations.** The state board shall exercise general supervision over the public evening schools, adult education programs and summer program.

**Subd. 12. Administrative regulations.** The state board shall have power from time to time to make and enforce such rules and regulations, consistent with this code, as may be appropriate for the administration and enforcement thereof.

**Subd. 13. Certification of school business officers.** The state board shall have power to adopt reasonable rules and regulations for the purpose of certifying persons who may bear the title of school business officers, and who may be designated by the school board to have general responsibility under the superintendent for the administration of the business affairs of the district. The state board shall issue certificates to such persons as the state board finds to be qualified therefor. Nothing in this subdivision shall prohibit a school board from hiring a non-certified business officer to have general responsibility under the superintendent for the administration of the business affairs of the district.

[*Ex1959 c 71 art 2 s 11; 1965 c 718 s 1*]

NOTE: School buses, regulations, see section 169.45.

**121.12 M.S. 1957** [Repealed, Ex1959 c 71 art 8 s 26]

**121.12 FORMS AND BLANKS.** The state board 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 and the request therefor shall conform to the rules and regulations of the department. The purchase of these forms by the department 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.

[*Ex1959 c 71 art 2 s 12*]

**121.13 M.S. 1957** [Repealed, Ex1959 c 71 art 8 s 26]

**121.13 REPORTS BY THE STATE BOARD.** On October 1 of each even numbered year, the state board 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, 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.

[*Ex1959 c 71 art 2 s 13*]

**121.14 M.S. 1957** [Repealed, Ex1959 c 71 art 8 s 26]

**121.14 RECOMMENDATIONS; BUDGET.** The state board 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. The state board shall prepare a biennial education budget which shall be submitted to the governor and legislature, such budget to

contain a complete statement of finances pertaining to the maintenance of the state department and to the distribution of state aid to public schools.

[*Ex1959 c 71 art 2 s 14*]

**121.15 M.S. 1957** [Repealed, *Ex1959 c 71 art 8 s 26*]

**121.15 PLANS AND SPECIFICATIONS FOR SCHOOL BUILDINGS.** The state board 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. The state board 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. The state board in approving construction plans may specifically qualify its approval as limited solely to physical plant, plans and specifications and it may specifically reserve its approval as to the advisability of construction from an educational program standpoint. Under such rules and procedure as the state board shall prescribe, the state department may condemn school buildings and sites which are unfit or unsafe for use as such.

[*Ex1959 c 71 art 2 s 15*]

**121.16 STATE COMMISSIONER OF EDUCATION.** The state board shall elect a commissioner who shall be the executive officer and secretary of the state 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 code. The commissioner shall have authority to nominate, for approval by the state board, such officials and employees as may be necessary to perfect and to maintain the organization of the department as recommended by him and as adopted by the state board. He shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of the various offices and division in the organization of the department. He shall be required to make recommendations to the state board which shall facilitate all of the work of the state board, and he shall be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out the provisions of this code.

[*Ex1959 c 71 art 2 s 16*]

NOTE: Laws 1965, Chapter 809, Section 2, Subdivision 1, reads:

"The appointment of the commissioner of education shall be made with the advice and consent of the senate.

The state board of education is hereby authorized to appoint an assistant to the commissioner in the classified civil service whose duties shall be prescribed by the commissioner and whose salary shall be in range 44."

**121.17 QUESTIONS SUBMITTED TO ATTORNEY GENERAL.** If there be any doubt as to the proper construction of any part of the state school laws, the commissioner, at the request of any public officer, shall submit such question to the attorney general, who shall give his written opinion thereon and such opinion shall be binding until annulled or overruled by a court.

[*Ex1959 c 71 art 2 s 17*]

**121.18 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 by-laws 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 commissioner, and shall annually, on or before January 1, report to the commissioner the name of each trustee, officer, and student, the amount of stock subscribed, donated, and bequeathed, and the amount actually paid in.

[*Ex1959 c 71 art 2 s 18*]

**121.19 MEETINGS WITH SCHOOL BOARDS, SUPERINTENDENTS, AND PRINCIPALS.** For the purpose of considering matters affecting the interests of public education, the commissioner, 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.

[*Ex1959 c 71 art 2 s 19*]

**121.20 TEACHERS' INSTITUTES.** Subdivision 1. The commissioner may order and conduct teachers' institutes for the professional instruction and training of teachers according to such rules and regulations as he may prescribe.

Subd. 2. Teachers required to attend institutes shall be paid at the usual contract rate by their district for all time school is closed on account of the institute.

Subd. 3. The commissioner may use any public school buildings or facilities or equipment for purposes of teachers' institutes as he may designate in his order calling the institute.

Subd. 4. Any county board may appropriate money from county funds for the conduct of teachers' institutes to be held under the general supervision of the commissioner. The county board shall pay the expenses of the county superintendent for attendance at institutes.

[*Ex1959 c 71 art 2 s 20*]

**121.21 AREA VOCATIONAL-TECHNICAL SCHOOLS.** Subdivision 1. The board of any independent or special district may petition the state board to classify one or more of its schools as an area vocational-technical school.

Subd. 2. Upon receipt of such petition, the state board shall examine the petition and any supporting evidence which it may require. The state board may conduct hearings, investigate school records and such other facts relating to vocational-technical training as it may deem appropriate.

Subd. 3. 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. If the state board finds, as a result of its inquiry, that the establishment of an area vocational-technical school, according to the petition, would further the educational interests of all the people of the state, and is in accordance with the plans and program of the state department for the vocational and technical education of the people, it may approve the petition.

Subd. 4. If the petition is approved, the school shall be established by the district and classified by the state board as an area vocational-technical school and conducted under the general supervision of the state board in accordance with the rules and regulations of the state board.

Subd. 5. The commissioner with the approval of the state board for vocational education is authorized to apportion and distribute funds to the 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. 6. The commissioner, subject to approval by the state board, shall make such rules governing the operation and maintenance of schools so classified as will afford the people of the state an equal opportunity to acquire public vocational and technical education.

The rules shall provide for, but are not limited to, the following:

(a) The area to be served by each school, which may include one or more districts or parts thereof, including unorganized territory,

(b) Curriculum and standards of instruction and scholarship,

(c) Attendance requirements, age limits of trainees, non-resident attendance, tuition payments by non-residents,

(d) 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,

(e) Transportation requirements and payment of aid therefor,

(f) Attendance by graduates of secondary schools and by adults, for which no tuition shall be charged. If no tuition is charged for such non-resident student, the district maintaining the school shall be entitled to any aid calculated on a pupil basis for such student,

(g) General administrative matters.

Subd. 7. Any secondary school graduate may attend an area vocational 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.

Subd. 8. 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. Any qualified nonresident person who is not a high school graduate who has been out of school at least a year and who has reached the age of 18 but who has not attained his 21st birthday may attend an area vocational school without tuition providing the area school has the room and the facility to receive such student and in that event all state aid and federal aid shall be paid to the area vocational school where the student attends.

[*Ex1959 c 71 art 2 s 21; 1965 c 597 s 1*]

**121.22 STATE CIRCULATING LIBRARY; PURCHASE OF BOOKS.** The department may purchase collections of books, and audio visual recorded educational items, 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.

[*Ex1959 c 71 art 2 s 22*]

**121.23 LIBRARIANS, ADVICE TO.** The department 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.

[*Ex1959 c 71 art 2 s 23*]

**121.24 STATISTICS; RECORDS; REPORTS.** The department 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.

[*Ex1959 c 71 art 2 s 24*]

**121.25 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 under the direction of the state board.

[*Ex1959 c 71 art 2 s 25*]

**121.26 ENROLLMENT WITH BUREAU; FEE.** 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 of the state board and upon the payment of such fee as may be determined by the state board, which fee shall not exceed \$5 per year.

[*Ex1959 c 71 art 2 s 26*]

NOTE: For change in fee, see Laws 1965, Chapter 809, Section 2.

**121.27 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 information regarding teachers and to furnish teachers enrolled with the bureau information relative to vacancies; 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.

[Ex1959 c 71 art 2 s 27]

**121.28 TEACHERS EMPLOYMENT BUREAU, DIRECTOR.** The commissioner shall nominate and the state board shall appoint a director of the state teachers employment bureau, who shall perform his duties under the general supervision of the commissioner and be furnished necessary office rooms in the state capitol. The state board may appoint such clerical and other assistants as may be required to carry out the purposes of the state teachers employment bureau. The state board shall make the necessary rules and regulations for conducting this bureau. The commissioner shall designate one employee of this bureau who shall collect and receipt for all fees and report and pay the fees to the state treasurer.

[Ex1959 c 71 art 2 s 28]

**121.29 VOCATIONAL REHABILITATION.** The department 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 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.

[Ex1959 c 71 art 2 s 29]

**121.30 VOCATIONAL REHABILITATION; CONTRACT WITH FEDERAL GOVERNMENT.** Subdivision 1. The state board is authorized, in the name of the state, to enter into an agreement with 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 the state board 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.

[Ex1959 c 71 art 2 s 30]

**121.301 DISABILITY DETERMINATIONS, PROTECTION OF PROFESSIONAL PERSON MAKING REPORT.** No letter, report, communication, or any other matter, either oral or written, furnished by a physician or other professional man to any agency of the state of Minnesota for use in connection with an agreement of the type authorized by Minnesota Statutes, Section 121.30, shall be made the subject matter or basis for any suit for slander or libel.

[1963 c 150 s 1]

**121.31 PLAN OF COOPERATION.** The state board 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 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.

[Ex1959 c 71 art 2 s 31]



**121.32 INCAPACITATED PERSONS AIDED.** The state board shall aid persons who are incapacitated in obtaining such benefits as will tend to restore their capacity to earn a livelihood. The state board may cooperate and contract with the United States to extend the benefits of vocational rehabilitation 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 United States are sufficient to compensate for the cost. The state board may cooperate and make agreements with private, state, local or federal agencies for providing services relating to vocational rehabilitation. The state board may, of its own accord, establish, or maintain, or in cooperation with local boards, 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-profit, as required, and otherwise may act in such manner as it may deem necessary to accomplish the purposes of vocational rehabilitation.

[Ex1959 c 71 art 2 s 32]

**121.33 REPORTS; AVAILABILITY, NO DISCLOSURE.** The employees of the department, specifically authorized by the commissioner, 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 department to offer the benefits of vocational rehabilitation to the persons injured or otherwise disabled.

[Ex1959 c 71 art 2 s 33]

**121.331 TRAINING, VOCATIONAL REHABILITATION STAFF.** The state board of education is hereby authorized to provide the in-service training program of the vocational rehabilitation professional staff by paying for the direct costs with state and federal funds, the courses to be approved by the commissioner of education.

[1961 c 552 s 1]

**121.34 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, 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 four 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 from an appropriation made to the department for this purpose.

[Ex1959 c 71 art 2 s 34]

**121.35 COUNTY SUPERINTENDENTS, DUTIES.** Subdivision 1. The office of county superintendent of schools in each county shall be filled by election according to law.

Subd. 2. In addition to their other duties, county superintendents shall visit and instruct each school in their counties, except those under the immediate charge of a district superintendent, at least once in each term. They shall instruct its teachers; organize and conduct such teachers institutes as they deem expedient; encourage teachers associations; advise teachers and boards in regard to the best methods of instruction, the most approved plans for building, improving, and ventilating school houses or ornamenting school grounds and of adapting them to the convenience and health exercise of the pupils; stimulate school officers to the prompt and proper discharge of their duties; receive and file all reports required to

be made to them; and make a report to the commissioner containing an abstract of such reports, a written statement of the condition and prospects of the schools under their charge, and such other matters as they may deem proper or as may be called for by the commissioner. At the request of the commissioner they shall investigate any contract made by a district in their counties for rental of school rooms, facilities, or transportation of pupils and submit a written report thereof to the commissioner. County superintendents shall upon request of the county board of their respective counties promptly investigate, advise, and make recommendations to the county board in proceedings to change boundaries of school districts, and in proceedings to annex land upon petition of a freeholder, and in all other proceedings pending before the county board involving the attachment or detachment of school district territory.

Subd. 3. The county board in any county having twelve or less common districts operating schools and having no unorganized territory may by resolution duly adopted at least six months before the end of the term of office of the county superintendent of schools, declare the office terminated as of the end of the term of the incumbent. If such resolution is adopted, no person shall be elected or appointed to the office of county superintendent of schools so long as such resolution remains in effect. The county board by resolution at least six months before the date of any general election may rescind its action terminating the office. If such action is taken, a county superintendent of schools shall be elected at the next general election according to law; provided, however, that if the county superintendent in any such county resigns or a vacancy in such office occurs by death of the incumbent, the county board may by resolution duly adopted thereupon terminate the office of county superintendent of schools. Such office shall remain terminated unless the county board by resolution duly adopted shall reinstate said position as hereinabove provided.

Subd. 4. In any county where the office of the county superintendent is abolished the duties imposed by law upon the county superintendent shall be performed by the commissioner unless the county board makes provision for the performance of these duties under the provisions of this section. The county board may provide for the performance of the duties of the office by either of the following methods:

(a) By contract with the board of any independent district located in the county providing for the performance of the duties by the superintendent of the district.

(b) By contract with the county board of any other county providing for the performance of the duties by the county superintendent of such other county.

Upon the execution of such contract and the filing of a copy thereof with the commissioner, the superintendent whose services are provided for shall have and assume the duties of the county superintendent according to the terms of the contract. Upon the amendment or termination of the contract, other than according to its terms, a copy thereof shall be filed with the commissioner.

[Ex1959 c 71 art 2 s 35; 1963 c 12 s 1]

**121.355 ESTABLISHMENT, DISCONTINUANCE OF OFFICE; SALARY AND CLERK HIRE.** Except in a county wherein the school districts are consolidated into one county district or in a county wherein the office of county superintendent of schools is abolished, the county board may:

(1) Establish, discontinue, or reestablish the office of county superintendent of schools.

(2) Determine the salary above the prescribed minimums for the county superintendent of schools and audit and allow necessary expenses and salaries of professional and clerical help necessary to perform the duties of the office.

[1959 c 700 s 2]

**121.36 COUNTY SUPERINTENDENTS TO KEEP RECORDS.** County superintendents shall record in their office in records provided by the county board for such purpose all material facts concerning teachers certificates presented for recording purposes and certify to each holder of such certificate that such recording has been made.

[Ex1959 c 71 art 2 s 36]

**121.37 MEETINGS OF DISTRICT OFFICERS.** The county superintendent may call meetings of the district officers and board members of his county at such times and places as may be convenient, to remain in session for one day, for consultation and advice in regard to school statistics, methods of organization of schools, and other matters relating to the educational interests of the public schools.

[Ex1959 c 71 art 2 s 37]

**121.38 BLANKS.** The county superintendent shall forward to teachers and clerks all blanks and circulars furnished him for their use and shall be guided generally by the rules prescribed by the state board.

[*Ex1959 c 71 art 2 s 38*]

**121.39 REPORTS TO COMMISSIONER OF EDUCATION.** The county superintendent shall make such reports as may be required by the commissioner. These reports shall be made on or before dates fixed by the state board and shall include tabulated extracts from the reports of the teachers and clerks and such other matters as may be called for in the blanks. When the clerk of a common district has failed to render his report at such time as may be specified by the state board, the county superintendent shall be empowered to employ help to compile such report, the expense to be paid by the local board from district funds, which amounts may be deducted from the annual salary of the clerk.

[*Ex1959 c 71 art 2 s 39*]

**121.40 REPORTS TO AUDITOR.** On or before the first Monday in October of each year the county superintendent of schools shall file with the county auditor an abstract of the number of pupils in each district entitled to be counted for apportionment of school funds and, on or before December 15, he shall file with the county auditor an abstract of the number of children in each district entitled to be counted in the distribution of the income tax school fund.

[*Ex1959 c 71 art 2 s 40*]

**121.41 DEPUTY SUPERINTENDENT.** Any superintendent physically unable to visit his schools may appoint a deputy superintendent for not more than 60 days in any year, to be paid by the county superintendent.

[*Ex1959 c 71 art 2 s 41*]

**121.42 COUNTY SUPERINTENDENT OF SCHOOLS, SALARY.** Subdivision 1. Salaries of county superintendents except as hereinafter provided, shall be fixed by the board of county commissioners, and shall not be less than a sum equal to \$42 and \$12 as herein provided, for each organized public school in the county, to be reckoned, prorata for the year from the time when a new school, organized in any district begins. Such minimum salary shall be calculated at the rate of \$42 for each of the first 80 schools, and at the rate of \$12 for each additional school in excess of 80, until the salary calculated on that basis reaches \$3,840; but if there be less than 64 public schools in any county, the minimum annual salary shall nevertheless be \$2,880. In any county where the county superintendent of schools received \$800 or more as clerk of the unorganized school district the salary of the county superintendent of schools shall be set by the county board, regardless of the number of schools established or operating in such county, at not less than \$2,400 in addition to the salary as clerk of the unorganized school district.

Subd. 2. When one or more school districts are hereafter discontinued in any county as a result of consolidation or when school in any school building is or has been discontinued in any county as a result of consolidation and the children usually attendant thereat are transported to another school in the same or an adjoining district by the school authorities then thereafter the minimum salary of the county superintendent shall be reckoned and an assistant or assistant superintendent, if any, appointed on the basis of the number of schools before such consolidation or discontinuance was made.

Subd. 3. The term "school" as used in this section shall be understood to mean a school building in which public school is held or pupils transported to another district.

[*Ex1959 c 71 art 2 s 42*]

**121.43 EXPENSES, HOW PAID.** The county board of each county shall pay itemized and verified bills for postage used in official correspondence and in forwarding official documents; express, telegraph, and telephone charges in official business; necessary bills for printing notices, circulars, examination questions, and annual reports required in the proper grading of schools; and necessary and proper expenditures in connection with county graduation exercises or such reports and classification records as may be required by the commissioner, together with necessary materials for the examination of pupils and for official correspondence; also the local expense in connection with teachers institutes.

[*Ex1959 c 71 art 2 s 43*]

**121.44 CLERK HIRE.** In counties containing not less than 10 nor more than 124 schools the county superintendent shall be allowed annually such sum for

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clerk hire as the county board may determine. In counties having 125 schools or more, the county superintendent shall be allowed annually such sum for clerk hire as the county board shall determine; and shall appoint one assistant. The assistant shall give his entire time to his duties, and shall serve during the pleasure of the superintendent. The salaries of assistants appointed to serve for full time shall be fixed by the county board. Such assistants shall have had at least 18 months' experience in public schools, and be holders of teachers' certificates equivalent to diplomas from a state college. Any assistant at the time of his appointment may or may not be a resident of the county for which he is appointed. In each case the assistant county superintendent shall assist the superintendent in the performance of his general duties, as directed, and report to him. Clerk hire shall be paid to the persons actually rendering such clerical services, out of the county treasury, upon the order of the county auditor accompanied by a certificate of the county superintendent that the service has been rendered, and no allowance for such clerk hire shall be made or received in any case except for services actually rendered.

[Ex1959 c 71 art 2 s 44]

**121.45 DELIVERY OF RECORDS ON RETIRING.** Every county superintendent on retiring from office shall deliver to the auditor of his county for his successor the records of his office, a list of the clerks of all school districts of the county, with their post-office addresses, and of all persons under contract to teach in the ungraded elementary schools of the county, together with all blanks, registers, copies of laws, and other state or county property in his possession, and no auditor shall make full payment of salary to any such county superintendent until he has complied with the requirements of this section.

[Ex1959 c 71 art 2 s 45]

**121.46 TRAVEL EXPENSES, MILEAGE.** The county board of each county shall audit and, if found correct, allow duly itemized and verified claims of the county superintendent for actual and necessary traveling expenses incurred by him or his assistants in the discharge of official duties. If the county superintendent or any assistant uses his own conveyance in the performance of official duties, the county board shall allow him therefor not to exceed the mileage allowance according to Minnesota Statutes, Section 15A.20 for mileage necessarily traveled in his own conveyance in the performance of official duties.

[Ex1959 c 71 art 2 s 46]

**121.47 COUNTY EDUCATIONAL WORK, COUNTY BOARD, DUTIES.** In all cases provided for in chapter 124 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.

[Ex1959 c 71 art 2 s 47]

## REHABILITATION SERVICES FOR THE SEVERELY DISABLED

**121.71 PURPOSE.** The purpose of sections 121.71 to 121.715 is to improve rehabilitation services for the severely disabled in Minnesota by providing for the development and continuation of long term sheltered workshops.

[1965 c 835 s 1]

**121.711 DEFINITION.** For the purposes of sections 121.71 to 121.715, a long term sheltered workshop means a facility where any manufacture or handiwork is carried on; and which is operated for the primary purpose of providing remunerative employment to severely disabled individuals who, as a result of physical or mental disability, are unable to participate in competitive employment. A long term sheltered workshop shall supply such employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist.

[1965 c 835 s 2]

**121.712 APPLICANTS FOR ASSISTANCE.** Subdivision 1. Any city, village, borough, town, county, nonprofit corporation, or any combination thereof, may apply to the commissioner of education for assistance in establishing or operating, or both establishing and operating, a community long term sheltered workshop. Application for such assistance shall be on forms supplied by the commissioner. Each applicant shall annually submit to the commissioner its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the commissioner.

Subd. 2. In order to provide the necessary funds for a long term sheltered workshop, the governing body of any city, village, borough, town, or county may expend money which may be available for such purposes in the general fund, and may levy a tax of not to exceed in any one year the following amounts per capita of the population, based upon the last federal census: Cities of the first class, not to exceed ten cents per capita; cities of other than the first class, villages, boroughs, towns, and counties, not to exceed 30 cents per capita. The levy of such taxes shall not cause the amount of other taxes levied or to be levied by the governmental unit, which are subject to any such limitation, to be reduced in any amount whatsoever. Any city, village, borough, town, county, or nonprofit corporation may accept gifts or grants from any source for the long term sheltered workshop. Any money appropriated, taxed, or received as a gift or grant may be used to match funds available on a matching basis.

[1965 c 835 s 3]

#### **121.713 COMMUNITY LONG TERM SHELTERED WORKSHOP BOARDS.**

Subdivision 1. Every city, village, borough, town, county, nonprofit corporation, or combination thereof establishing a community long term sheltered workshop shall appoint a long term sheltered workshop board of not less than nine members before becoming eligible for the assistance provided by sections 121.71 to 121.715. When any city, village, borough, town, or county singly establishes such a workshop, such board shall be appointed by the chief executive officer of the city, village, or borough, or the chairman of the governing board of the county or town. When any combination of cities, villages, boroughs, towns, counties, or nonprofit corporations establishes such a workshop the chief executive officers of the cities, villages, boroughs, nonprofit corporations and the chairmen of the governing bodies of the counties or towns shall appoint the board. If a nonprofit corporation singly establishes such a workshop the corporation shall appoint the board of directors. Membership on a board shall include a disabled person and shall be representative of local health, education, and welfare departments, medical societies, county welfare boards, lay associations governed by the disabled, labor and business groups, and the general public. Nothing in sections 121.71 to 121.715 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring nonprofit corporation to such board, so long as representation described above is preserved.

Subd. 2. The term of office of each member of the community long term sheltered workshop board shall be for four years, measured from the first day of the year of appointment, except as follows: Of the members first appointed, at least three shall be appointed for a term of two years, at least three for a term of three years, and at least three for a term of four years. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Any member of a board may be removed by the appointing authority for neglect of duty, misconduct, or malfeasance in office, after being given a written statement of charges and an opportunity to be heard thereon.

Subd. 3. Subject to the provisions of sections 121.71 to 121.715 and the rules and regulations of the state board of education, each community long term sheltered workshop board shall:

(a) Review and evaluate the need for a long term sheltered workshop services program provided pursuant to sections 121.71 to 121.715 and report thereon to the commissioner of education, the administrator of the program, and, when indicated, the public, together with recommendations for additional services and facilities;

(b) Recruit and promote local financial support for the program from private sources such as community chests, business, industrial and private foundations, voluntary agencies, and other lawful sources and promote public support for municipal and county appropriations;

(c) Promote, arrange, and implement working agreements with other educational and social service agencies both public and private and any other allied agencies;

(d) Advise the administrator of the long term sheltered workshop program on the adoption and implementation of policies to stimulate effective community relations;

(e) Review the annual plan and budget and make recommendations thereon;

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(f) When so determined by the authority establishing the program, act as the administrator of the program.

[1965 c 835 s 4]

**121.714 DUTIES OF THE COMMISSIONER OF EDUCATION.** Subdivision 1. The commissioner of education may make grants to assist cities, villages, boroughs, towns, counties, nonprofit corporations, or any combination thereof in the establishment, operation, and expansion of long term sheltered workshop programs. The commissioner may accept federal grants or aids and shall cooperate with federal agencies in any reasonable manner necessary to qualify for such federal grants or aids for long term sheltered workshops.

Subd. 2. At the beginning of each fiscal year, the commissioner of education shall allocate available funds to long term sheltered workshop programs for disbursement during the fiscal year in accordance with such approved plans or budgets. The commissioner shall from time to time during the fiscal year review the budgets and expenditures of the various programs and if funds are not needed for the program to which they were allocated, he may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. He may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

Subd. 3. The grant may not exceed an amount equal to 50 percent of the following approved anticipated expenditures for workshop costs:

- (a) Salaries;
- (b) Contract facilities and services;
- (c) Operation, maintenance, and service costs;
- (d) Vehicles for the primary use of transporting the disabled to and from long term sheltered workshops; and
- (e) Other expenditures specifically approved and authorized by the commissioner of education.

In the event that there are inadequate funds appropriated to meet the foregoing provisions in full, they shall be prorated proportionately.

Subd. 4. In addition to the powers already conferred on him by law, the commissioner of education shall, through the authority delegated to the state board of education, promulgate rules and regulations in regard to the following matters:

- (a) Eligibility of community long term sheltered workshop programs to receive state grants;
- (b) Standards for qualification of personnel and quality of professional service and for in-service training and education leave programs for personnel;
- (c) Eligibility for service so that no person will be denied service on the basis of race, creed, or color;
- (d) Regulatory fees for consultation services;
- (e) Standards as to types and kinds of severely disabled persons eligible for such services; and
- (f) Such other rules and regulations as he deems necessary to carry out the purposes of sections 121.71 to 121.715.

Subd. 5. The commissioner of education shall appoint a director of community long term sheltered workshop programs to assist him in carrying out the purposes of sections 121.71 to 121.715. The director so appointed shall serve within the division of vocational rehabilitation and special services of the department of education and shall be classified not lower than a division head and shall receive the pay of a division head. Qualifications for the director shall include, but not be limited to, advance training in economics and experience in the field of economics. The commissioner may employ such other qualified personnel as are necessary to carry out the provisions of sections 121.71 to 121.715.

[1965 c 835 s 5]

**121.715 APPLICATION.** Sections 121.71 to 121.715 do not apply to a county containing a city of the first class. However, sections 121.71 to 121.715 do apply to a city, village, borough, or town within a county containing a city of the first class.

[1965 c 835 s 6]