

CHAPTER 248

SCHOOLS; DEAF, BLIND

Sec.		Sec.	
248.01	Location; organization	248.06	Attendance
248.02	School for deaf; expense of pupils	248.07	Commissioner of public welfare, duties
248.03	Free tuition at state university	248.075	Blind-made goods and services, use by governmental agencies
248.04	Blind student to receive expenses while at certain schools	248.08	Payments by commissioner of public welfare
248.05	Gifts and conveyances	248.09	Minnesota Braille and sight-saving school

248.01 LOCATION; ORGANIZATION. The Minnesota school for the deaf and the Minnesota Braille and sight-saving school shall be continued at Faribault. They shall be maintained as the school for the deaf and the Minnesota Braille and sight-saving school and grouped and classed with the educational institutions of the state.

[R. L. s. 1931; 1941 c. 332] (4610)

248.02 SCHOOL FOR THE DEAF; EXPENSE OF PUPILS. Any deaf or blind resident of the state of suitable age and capacity for instruction may be received, kept, and taught therein under such conditions as the commissioner of public welfare may prescribe. He shall be provided, by the person legally liable for his support, with sufficient funds to furnish him with proper clothing, postage, and transportation. If any such person legally liable for his support is unable to make these provisions for him, the county welfare board in which he has a residence shall pay to the superintendent of the school in which he is a pupil a sum to be fixed by the commissioner of public welfare. Such sum shall be used only for clothing, postage, and necessary incidental expenses for the pupil. In addition, in such cases, the county shall be liable for the actual transportation of the pupil to and from the school. Should the person legally liable for the support of the pupil default in the payment of such sum, or any part thereof, such unpaid balance shall be referred to the auditor of the county of which the pupil is a resident and the county shall either collect or assume such bill.

Applicants from other states who can benefit by being enrolled may be accepted so long as acceptance does not preclude acceptance of an eligible resident. The commissioner of public welfare shall obtain reimbursement from other states for the costs incurred in connection with nonresidents accepted and may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasurer and placed in the general fund.

[R. L. s. 1934; 1917 c. 346 s. 1; 1919 c. 69 s. 1; 1923 c. 156 s. 1; 1951 c. 355 s. 1; 1971 c. 134 s. 1] (4611)

248.03 FREE TUITION AT STATE UNIVERSITY. Any resident of the state graduated from the Minnesota Braille and sight-saving school, upon compliance with all other requirements, shall be entitled to pursue any course of study in the state university without expense for tuition; and the board of regents shall receive him into any department thereof.

[R. L. s. 1935; 1941 c. 332] (4612)

248.04 BLIND STUDENT TO RECEIVE EXPENSES WHILE AT CERTAIN SCHOOLS. Any blind person who is, and for five years immediately preceding the making of his application for aid under this chapter has been, a resident of this state, who is a regularly enrolled student pursuing any course of study, profession, art, or science in any university, college, or conservatory of music approved by the board of directors of the Minnesota Braille and sight-saving school, in the discretion and under direction of the board, may receive a sum or sums of money, not exceeding \$300 in any one year, for the purpose of defraying his necessary expenses, including those of a reader, while in attendance upon such university, college, or conservatory, such expenditures to be made from the appropriations for the current expenses of the Minnesota Braille and sight-saving school. Not more than ten such blind persons shall receive such aid in any one year.

[1915 c. 307 s. 1; 1929 c. 367 s. 1; 1941 c. 332] (4613)

248.05 GIFTS AND CONVEYANCES. The commissioner of public welfare shall take and hold in trust all lands or other property granted, given, devised, or con-

veyed to the schools, or either of them. All moneys and securities so received and all income from such property shall be deposited in the state treasury subject to the order of the commissioner of public welfare.

[R. L. s. 1936] (4614)

248.06 ATTENDANCE. Subdivision 1. **Who required to attend.** Every parent, guardian, or other person having control of any normal child between five and 20 years of age, too deaf or unable to make articulate sounds to be properly benefited by the methods of instruction in vogue in the public schools, shall be required to send such child or youth to the school for the deaf at the city of Faribault, Minnesota, during the scholastic year of that school. Such child or youth shall attend such school year after year until discharged by the superintendent upon approval of the commissioner of public welfare.

Subd. 2. **Non-attendance, excuses.** The commissioner of public welfare may excuse attendance when satisfied:

(1) That the child is in such bodily or mental condition as to prevent his attendance at school or application to study for the period required;

(2) That he is afflicted with such contagious or offensive disease or possesses such habits as to render his presence a menace to the health or morals of other pupils, or for any reason deemed good and sufficient by the superintendent with approval of the commissioner of public welfare;

(3) That the child is efficiently taught for the scholastic year in a private or other school, or by a private tutor, the branches taught in the public schools so far as possible.

Subd. 3. **Failure to attend.** Any such parent, guardian, or other person failing to comply with the provisions of subdivision 1 shall be guilty of a misdemeanor, and upon conviction thereof fined in a sum of not less than \$5 nor more than \$20 for the first offense nor less than \$10 nor more than \$50 for the second and every subsequent offense with costs in each case. Any person who induces or tempts to induce any deaf or unable to make articulate sounds child to absent himself unlawfully from school, or employs or harbors any such child unlawfully from school, while the school is in session, shall be deemed guilty of a misdemeanor; **and, upon conviction thereof, fined in a sum not less than \$5 nor more than \$20 for the first offense nor less than \$10 nor more than \$50 for the second and every subsequent offense with costs in each case.**

Subd. 4. **Reports.** The principal teacher of every public school in the counties, and the truant officers of the cities of St. Paul, Minneapolis, and Duluth, shall, within 30 days before the close of each school year, furnish the county superintendent of schools or the board of education of the city of St. Paul, Minneapolis, or Duluth, as the case may be, with the name, age, sex, and address of parent or guardian of all normal children who are too deaf or unable to make articulate sounds to be educated in the public schools between the ages of 5 and 20 years, inclusive, living within the boundaries of his school district and who do not attend school. The county superintendent of schools, or the board of education of the city of St. Paul, Minneapolis, or Duluth, shall certify forthwith the names of all such deaf children, with address of parent, age, and sex, to the superintendent of the Minnesota school for the deaf at the city of Faribault.

Subd. 5. **Prosecution.** It shall be the duty of the county attorney to at once prosecute any case of parent or others unlawfully responsible directly or indirectly for the failure to place a deaf child or youth in a school for the deaf when such case shall have been reported to him. So far as the same are applicable all the provisions of this section shall be construed to include children who are too blind or defective of sight to be materially benefited by the methods of instruction in vogue in the public schools, for the purpose of securing their attendance at the Minnesota Braille and sight-saving school.

[R L s 1937A; 1907 c 407 s 1; 1909 c 396 s 1; 1917 c 346 s 2; 1931 c 92 s 1; 1951 c 560 s 1] (4615)

248.07 COMMISSIONER OF PUBLIC WELFARE, DUTIES. Subdivision 1. **Cooperation.** It shall be the duty of the commissioner of public welfare to cooperate with state and local boards and agencies, both public and private, in preventing loss of sight, in alleviating the condition of blind persons and persons of failing sight, in extending and improving the education, advisement, training, placement, and conservation of the blind, and in promoting their personal, economic, social, and civic well being.

Subd. 2. Statistics. The commissioner of public welfare shall collect statistics of the blind, including their present physical and mental condition, causes of blindness, capacity for education and industrial training, and any further information looking toward the improvement of their condition that may be desired.

Subd. 3. Special attention. The commissioner of public welfare shall give special attention to the cases of such blind youth as are eligible to attendance at the Minnesota Braille and sight-saving school, or the public school classes for the blind, but are not in attendance thereat, or are not receiving adequate instruction elsewhere and seek to secure such attendance by all practicable means.

Subd. 4. Vocational training. The commissioner of public welfare shall endeavor to secure for the adult blind of the state and youths of legal working age such vocational training, labor, and employment as may be adapted to their respective capacity, and shall so far as may be feasible aid such persons in securing any provisions which may be made by the school for the blind or other state agencies for the betterment of their lot. When vocational training under the division of re-education is secured, such aid may take the form of payments for the maintenance of persons in training, under rules to be adopted by the commissioner of public welfare. Any person who shall be entitled to training under this subdivision shall have the right to choose from available programs such training as in his opinion would be suitable and practical for him.

Subd. 5. Aids. The commissioner of public welfare shall further be empowered to aid the blind: (1) By home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) by aid in marketing the products of their labors; (4) by care and relief for blind persons who are not capable of self-support; and, (5) in any other practicable means of alleviating their condition.

Subd. 6. [Repealed, 1949 c. 22 s. 1]

Subd. 7. Rehabilitation of blind, vending stands and machines. For the rehabilitation of blind persons the commissioner of public welfare shall have exclusive authority to establish and to operate vending stands and vending machines in all buildings and properties owned or rented exclusively by any department of the state of Minnesota except the department of natural resources properties operated directly by the Division of State Parks and not subject to private leasing. The merchandise to be dispensed by such vending stands and machines may include soft drinks, (except 3.2 beer), milk, food, candies, tobacco, souvenirs, notions and related items. Such vending stands and vending machines herein authorized shall be operated on the same basis as other vending stands for the blind established and supervised by the commissioner of public welfare. The commissioner of public welfare may waive this authority to displace any present private individual concessionaire in any state-owned or rented building or property.

Subd. 8. Use of revolving fund, licenses for operation of vending machines. Authority is hereby given to the commissioner of public welfare to use the moneys available in the revolving fund established by Laws 1947, Chapter 535, Section 5, for the establishment, operation and supervision of vending stands by blind persons for the following purposes: (1) purchase, upkeep and replacement of stand equipment; (2) purchase of initial and replacement stock of supplies and merchandise; (3) expenses incidental to the setting up of new stands and improvement of old stands; (4) purchase of general liability insurance as deemed advisable for any vending stand by the commissioner; (5) reimbursement to individual stand operators for reasonable travel and maintenance expenses incurred in attending supervisory meetings as called by the commissioner of public welfare.

The commissioner shall, in issuing each license for the operation of a vending stand or vending machine, give preferences to blind persons who have resided for at least one year in the state of Minnesota. He shall issue each license for an indefinite period but he may terminate any license in the manner provided. In granting licenses for new or vacated stands preference on the basis of seniority of experience in operating stands under the control of the commissioner shall be given to capable operators who are deemed competent to handle the enterprise under consideration. Application of such preference shall not prohibit the commissioner from selecting an operator from the community in which the stand is located.

Subd. 9. Training of selected applicants. Each applicant selected by the commissioner for a license to operate a vending stand or vending machine shall be given training in the operation and conduct of such vending stand or vending machine.

Subd. 10. Revocation of licenses; hearing. The commissioner shall not revoke any license except for good cause shown. An opportunity for a fair hearing shall be afforded any operator within 30 days after revocation of license.

Subd. 11. Policy changes; notice and hearing. Any major changes in policies made by the commissioner in the conduct of this program will be preceded by a public hearing. Each operator shall be given 30 days notice of such hearing.

Subd. 12. Reimbursement out of state distribution of Braille and talking books. The commissioner of public welfare shall obtain reimbursement from other states for the estimated cost of handling of Braille books and talking books for the blind distributed by the department of public welfare to users in such other states and may contract with the appropriate authorities of such states to effect such reimbursement. All money received hereunder shall be paid to the state treasurer and placed in the general fund.

Subd. 13. Rehabilitation facilities. From the funds appropriated for vocational rehabilitation of the blind and matching federal funds available for the purpose, the commissioner of public welfare may make grants, upon such terms as he may determine, to public or non-profit organizations for the establishment, maintenance or improvement of rehabilitation facilities or sheltered workshops for the blind.

Subd. 14. Training of workers for rehabilitation of blind. From funds provided by the state or the United States for the rehabilitation of blind persons, the commissioner of public welfare may make provision for:

(1) Specialized supplementary training of professional workers employed by services for the blind, which shall consist of selected courses of study designed to improve worker techniques in providing assistance with adjustment to blindness, guidance, training and vocational placement services to blind children and adults;

(2) The employment of student trainees enrolled in graduate school programs. Such trainees to be employed on a one-third time basis during the regular school term and on a full time basis during the extra school term. Student trainees shall not be counted against the regular staff complement and shall not exceed eight in number employed concurrently.

Subd. 15. Appeals from agency action. An applicant for or recipient of rehabilitation service who is dissatisfied with an agency's action with regard to the furnishing or denial of services may:

(1) File a request for an administrative review and redetermination of that action to be made by a member or members of the supervisory staff of the state agency.

(2) When an individual is dissatisfied with the findings of this administrative review, he shall be granted an opportunity for a fair hearing before the state administrator or his designee.

(3) If further appeal is deemed necessary by the applicant or recipient, his grievance shall be considered and relief if any recommended by an appeal committee. The committee shall be composed of one person nominated by the applicant or recipient, one person nominated by the agency, and a third person nominated jointly by the applicant or recipient and the agency. If the third person cannot be mutually agreed upon within ten days of the applicant's or recipient's request for a committee hearing, the judge of the district court in the applicant's or recipient's county of residence shall make the third appointment.

[1913 c 488 s 1, 2; 1917 c 346 s 3, 4; 1923 c 336 s 1; 1941 c 332 s 1; 1955 c 303 s 1-6; 1957 c 693 s 1, 2; 1961 c 67 s 1; 1965 c 321 s 1; 1965 c 692 s 1; 1969 c 399 s 1; 1969 c 903 s 1; 1969 c 1022 s 1; 1969 c 1129 art 3 s 1] (4616)

248.075 BLIND-MADE GOODS AND SERVICES, USE BY GOVERNMENTAL AGENCIES. Any board, commission, officer, or employee of the state or a state agency, or of any county, city, village, town, school district, or other political subdivision or taxing district of the state, who purchases materials, supplies, goods, wares, merchandise, or produce, or procures services in behalf of the state or such state agency, political subdivision, or taxing district, shall purchase blind-made articles and products and procure blind labor, as each term is defined in section 325.87, whenever they are available on terms at least as advantageous to the purchaser as are articles, products, and services available from other sources.

[1967 c 414 s 1]

248.08 PAYMENTS BY COMMISSIONER OF PUBLIC WELFARE. The commissioner of public welfare is hereby authorized to defray the necessary expenses of

the work from the appropriation for the current expenses of the commissioner of public welfare; provided, that in any county of this state now or hereafter having a population of over 150,000, and an assessed valuation of over \$200,000,000, including money and credits, the county board is hereby authorized to defray part or all of the necessary expenses of maintaining the work within the county from the general revenue fund of the county, not exceeding the total sum of \$3,600, in any one calendar year; and, in carrying on this work, may appoint and employ an assistant to the regular field agent for the blind in the county, who shall work under the direction of the agent in the county. The portion of the salary of the field agent, and of any assistant to be paid by the county, shall be fixed by the county board at its first meeting in January in each year; and such salary of the field agent and assistant shall be paid in the same manner as the salary of other county officers and employees are paid. All necessary expenses of the agent and assistant in carrying on this work in the county, not paid by the commissioner of public welfare, shall be paid by the county board as other claims against the county are paid.

[1913 c. 488 s. 3; 1917 c. 185 s. 1; 1917 c. 346 s. 5; 1921 c. 24 s. 1; 1923 c. 336 s. 2; 1933 c. 45 s. 1; 1935 c. 307] (4617)

248.09 MINNESOTA BRAILLE AND SIGHT-SAVING SCHOOL. The state school for the blind located at Faribault so designated under authority of Laws Extra Session 1902, Chapter 83, shall hereafter be known and designated as the Minnesota Braille and sight-saving school, but this section shall not be construed to affect the management or administration of the school, or the tenure of office or powers of the managers and directors thereof, all of whom shall remain subject to the control now provided by existing laws.

[1941 c 332 s 1]