

121.30 ADMINISTRATION AND SUPERVISION

CHAPTER 121. ADMINISTRATION AND SUPERVISION

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REHABILITATION SERVICES FOR THE SEVERELY DISABLED

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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 acts of congress, approved September 1, 1954, known as the "social security amendments of 1954," being Public Law 761, Section 221¹ and approved October 30, 1972, known as the social security amendments of 1972, being Public Law 92-603, in which agreement the state will undertake to make determinations referred to in those public laws 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.

[1973 c 103 s 1]

[For text of subd. 2, see M.S.1971]

121.33 Reports; availability, no disclosure

[For text of subd. 1, see M.S.1971]

Subd. 2. When the employees of the department have knowledge relating to the nature and extent of an injury or disability or have knowledge of other relevant or material facts with respect to any claim made pursuant to chapter 176, by an injured employee, the department shall first obtain the written consent of the injured employee to the release of such information and shall then report to any party to the claim under the workmen's compensation law and to the workmen's compensation division or the workmen's compensation commission, as the case may be, all such facts within ten days after the department has received written request for such information from the workmen's compensation division or the workmen's compensation commission, as the case may be. At a hearing before a compensation judge or the workmen's compensation commission on appeal, an employee of the department may, upon the written consent of the injured employee, disclose the facts and conclusions upon which the vocational rehabilitation evaluation of the injured employee was made.

[1973 c 388 s 2]

121.34 [Repealed, 1973 c 757 s 5]

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 and work activity programs.

[1973 c 312 s 1]

121.711 Definitions

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

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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. A work activity program means a program which utilizes manufacturing activities and other production work for the primary purpose of providing basic vocational skills development for the severely handicapped.

[1973 c 312 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 or work activity program. 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 or work activity program, 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 which, except when levied by a county, shall not 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, and towns, not to exceed 30 cents per capita. Any city, village, borough, town, county, or nonprofit corporation may accept gifts or grants from any source for the long term sheltered workshop or work activity program. Any money appropriated, taxed, or received as a gift or grant may be used to match funds available on a matching basis.

[1973 c 312 s 3; 1973 c 583 s 7]

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 or work activity program 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 or work activity program, 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 or work activity program 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 or work activity program the corporation shall appoint the board of directors. Membership on a board shall be representative of the community served and shall include a disabled person. One-third to one-half of the board shall be representative of industry or business. The remaining members should be representative of lay associations for the handicapped; labor, the general public, and education, welfare, medical, and health professions. 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 or work activity board shall be for four years, measured

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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 or work activity program board shall:

(a) Review and evaluate the need for a long term sheltered workshop services or work activity 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;

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

[1973 c 312 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 or work activity 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 or work activity programs.

Subd. 2. At the beginning of each fiscal year, the commissioner of education shall allocate available funds to long term sheltered workshop and work activity 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 75 percent of the normal operating expenses of the long term workshop or work activity program. Wages paid clients or long term workers are to be excluded in determining operating cost.

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

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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) State certification of all long term sheltered workshops and work activity programs;

(b) Eligibility of community long term sheltered workshop and work activity programs to receive state grants;

(c) Standards for qualification of personnel and quality of professional service and for in-service training and education leave programs for personnel;

(d) Eligibility for service so that no person will be denied service on the basis of race, creed, or color;

(e) Regulatory fees for consultation services;

(f) Standards as to types and kinds of severely disabled persons eligible for such services; and

(g) 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 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.

[1973 c 312 s 5]

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INDEPENDENT SCHOOL DISTRICTS

123.32 Independent school districts, elections

[For text of subs. 1 to 4, see M.S.1971]

Subd. 5. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers, placing thereon the names of the proposed candidates with the same number of blank spaces for the insertion of names of other candidates as there are members to be elected. The name of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office. The ballots shall be marked and initialed by at least two judges as official ballots and shall be used exclusively at the election. Any proposition to be voted upon shall be stated on