

# CHAPTER 126

## CURRICULUM, CONDUCT, TEXTBOOKS

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**126.01** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.01 DEFINITIONS.** For purposes of this chapter, the words defined in section 120.02 have the same meaning.  
[ Ex1959 c 71 art 7 s 1 ]

**126.02** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.02 PHYSICAL AND HEALTH EDUCATION.** Subdivision 1. **Instruction required in public schools.** There shall be established and provided in all the public schools of this state, physical and health education, training, and instruction of pupils of both sexes. Every pupil attending any such school, insofar as he or she is physically fit and able to do so, shall participate in the physical training program. Suitable modified courses shall be provided for pupils physically or mentally unable or unfit to take the courses prescribed for normal pupils. No pupil shall be required to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil that he objects to such physical or medical examination or treatment; provided that secondary school pupils in junior and senior years need not take the course unless required by the local school board.

Subd. 2. **Training of teachers.** All colleges, schools, and other educational institutions giving teacher training shall provide courses in physical and health education, training, and instruction and every pupil attending any college, school, or educational institution in preparation for teaching service shall take such courses.  
[ Ex1959 c 71 art 7 s 2; 1963 c 48 s 1 ]

**126.021 EDUCATIONALLY NEGLECTED CHILDREN, PURPOSE.** It is the public interest of the state to provide equality of educational opportunity for all school children of the state. With the greatly expanding urbanization of life in the large cities have come special educational problems in reaching children who are educationally neglected. Special efforts by the state to attempt to enhance the quality of their education in the large urban cities and on our American Indian reservations are necessary where normal educational efforts are not sufficient. As used in sections 126.021 to 126.024 "minority" means racial minority, specifically, black, Indian, orientals, and those persons of Spanish speaking ancestry.  
[ 1971 c 934 s 1; 1974 c 406 s 16 ]

**126.022 HUMAN RELATIONS TRAINING, STATE AID.** Subdivision 1. Each school board: (1) Shall provide in any public elementary or secondary school which has 50 or more minority students in any school within said school district, a special program available on a volunteer basis for teachers, administrators, and other certificated and noncertificated personnel in such elementary or secondary school including the following:

(a) A course of training in human relations for the school years 1971-72, and 1972-73 of up to 50 hours duration of which at least 30 hours shall be provided prior to the start of each such school year. The implementation of this course shall be the responsibility of the local school board concerned, with it being understood that the

legislature intends that the planning, implementation, and the evaluation of this course in human relations shall be done by a group of teachers, aides and residents of the school attendance areas concerned, with a committee on the school district level composed of representatives from these individual school committees. Each school board with the counsel of such central committee shall employ a district coordinator, part time or full time as determined by the board and the central committee, for this program, with it being understood that the central committee will recommend a list of candidates from which the board will make the final selection. This school district level committee and the coordinator shall provide the necessary coordination and shall approve the proposed expenditures of funds within the various schools or groups of schools concerned. Minority members shall be represented on each of the aforesaid committees. This course of training shall be offered for all employees of the concerned schools. Employees other than teachers and administrators shall attend that portion of the program, as determined by the local school committee, to be appropriate. This course of training shall emphasize innovations necessary in teaching educationally neglected children and the program shall include components such as:

(i) Workshops for such teachers and administrators emphasizing recognized and new methods and techniques for teaching such educationally neglected children;

(ii) Attendance by teachers at meetings of one or more community organizations located within said area with such organizations to be selected from a list provided by the planning committee described above;

(iii) Home visitations as set up by the planning committee for such teachers with their students;

(iv) Other activities selected by the planning committee.

(b) The district coordinators and representatives from each of the central committees shall meet periodically with state department of education personnel to develop evaluation criteria for the program.

An evaluation and review by each planning committee shall be submitted through their respective school boards with any additional recommendations and evaluation by the school board to the state board of education by January 15, of each year sections 126.021 to 126.024 are in force, and an additional evaluation and review by August 15 of each school year just completed.

(2) Upon receipt of verification from the local school board of the numbers of qualifying schools in the district the state board shall pay to the local school board an average of \$4,000 per qualifying school prior to the start of the 1971-72 school year. The allocation of these moneys to be used for the planning, administration and program costs of setting up these courses will be determined by the central committee using state department of education guidelines. The unexpended balance of such funds after the 1971-72 school year shall be used by said district during 1972-73 school year for administration and program costs including the implementation of these courses. Program costs include all costs such as payment for local community representatives in the development or implementation of the program or other aspects of the program as determined by the central committee. Payments authorized herein shall also be used by the local district to employ a coordinator and provide secretarial services for this program.

(3) The state department of education shall develop guidelines to be followed by districts in the administration of this program.

(4) Each local school board shall be responsible for publicizing the program outlined in sections 126.021 to 126.024 to all school employees and residents of the respective school attendance areas and setting procedures for forming committees mentioned herein. A copy of these procedures shall be submitted to the state department of education prior to the first community meeting.

(5) Each local school board shall certify under procedures of the state board to the state department of education the names and addresses of each such school employee in elementary and secondary schools as defined above as participating in this special program and each such employee may receive up to the sum of \$7 per hour for such additional services for the school years ending 1972 and 1973 up to a maximum of 50 hours to supplement salary provided by the school district. This sum shall be payable on a regular basis by the local school district from district funds which shall be reimbursed by the state board of education.

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Subd. 2. The department of education shall set up a special program for teachers and administrators involved in the education of Minnesota Indian students in the elementary and secondary schools included within the Johnson O'Malley federal act of 1934, and amendments thereto, for the education of Indian children. Such program shall include:

(1) A course of training of 50 hours in human relations preceding and during the school years ending 1972-73 which training shall be specifically provided by the department of education emphasizing better preparation and effectiveness for teachers and administrators. Such teachers and administrators shall be selected for this training by eligible school districts upon a quota established under procedures set up by the department upon the advice of its Minnesota Indian education committee which committee is hereinafter established. The commissioner of education with the counsel of the Indian education committee shall employ a statewide coordinator for this portion of sections 126.021 to 126.024, with it being understood that the Indian education committee will recommend a list of candidates from which the commissioner of education will make the final selection. The prescribed course shall be provided by the department of education with it being understood that the legislature intends that the planning, implementation and the evaluation of this course in human relations shall be done by the department of education with the advice and assistance of the Minnesota Indian education committee. The course of training provided for teachers and administrators shall include programs such as:

(a) Visitation by teachers at Minnesota Indian reservations and in Minnesota Indian homes;

(b) Attendance by teachers at functions of the Minnesota Indian communities as recommended by the Minnesota Indian education committee;

(c) Workshops involving Minnesota Indian residents and the study of their tribal history and sociology;

(d) Other activities recommended by the Minnesota Indian education committee.

(2) An evaluation and review by the Minnesota Indian education committee which shall be made to the department of education by January 15, of each year sections 126.021 to 126.024 are in force, and an additional evaluation and review by August 15 of each school year just completed.

(3) A sum of \$40,000 shall be set aside from the appropriation for this section to be used for the planning, administration and program costs of setting up these courses. The unexpended balance of such funds after the 1971-72 school year shall be used by the state department of education during the 1972-73 school year for administration and program costs including the implementation of these courses. Program costs include all costs such as payment for local community representatives in the development or implementation of the program or other aspects of the program as determined by the state department and the Indian education committee. Payments authorized herein shall also be used by the state department to employ a statewide coordinator to administer this portion of the act.

(4) Payments to each teacher and administrator participating in the 50 hour special training sessions shall be paid according to district policy not to exceed \$7 per hour.

[ 1971 c 934 s 2 ]

**126.023** [ Repealed, 1976 c 149 s63 ]

### **126.024 APPROPRIATIONS AVAILABLE.**

Notwithstanding any other provisions of sections 126.021 to 126.024, no more than 30 schools in Minneapolis, 22 schools in St. Paul and five schools in Duluth may be funded under the provisions of sections 126.021 and 126.022.

[ 1971 c 934 s 4 ]

**126.03** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.03 INSTRUCTION IN MORALS.** Instruction shall be given in all public schools in morals, in physiology and hygiene, and in the effects of narcotics and stimulants.

[ Ex1959 c 71 art 7 s 3 ]

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**126.04** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.04** MS 1971 [ Repealed, 1973 c 572 s 18 ]

**126.05** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.05 TEACHER TRAINING, EFFECTS OF DRUGS AND ALCOHOL.** All educational institutions providing teacher education shall offer a program in the personal use and misuse of and dependency on tobacco, alcohol, drugs and other chemicals, and every student attending such institution in preparation for teaching service shall be required to take and to satisfactorily complete such a program. Every student who graduates after June, 1974, shall complete such a course.

[ Ex1959 c 71 art 7 s 5; 1971 c 892 s 12 ]

**126.06** MS 1953 [ Repealed, 1955 c 650 s 1 ]

**126.06 DECLARATION OF INDEPENDENCE AND CONSTITUTION.** In the eighth grade and in the secondary school grades of all public schools and in the corresponding grades in all other schools within the state, and in the educational departments of state and municipal institutions, there shall be given regular courses of instruction in the Declaration of Independence and the Constitution of the United States, to the extent to be determined by the commissioner.

[ Ex1959 c 71 art 7 s 6 ]

**126.07** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.07 INSTRUCTION, USE OF ENGLISH LANGUAGE.** The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; and in secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study. Instruction may be given in such languages in elementary grades, not to exceed one hour in each day, by unanimous vote of the school board.

[ Ex1959 c 71 art 7 s 7 ]

**126.08** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.08 PATRIOTIC EXERCISES.** In all of the schools in this state it shall be the duty of the superintendent or teachers in charge of such schools to teach and require the teaching therein, on at least one day out of each week, of subjects and exercises tending and calculated to encourage and inculcate a spirit of patriotism in the students.

Such exercises shall consist of the singing of patriotic songs, readings from American history and from the biographies of American statesmen and patriots, and such other patriotic exercises as the superintendent or teachers of such schools may determine.

The time to be spent thereon on each of these days shall not exceed one-half hour.

[ Ex1959 c 71 art 7 s 8 ]

**126.09** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.09 MINNESOTA DAY.** May 11 is hereby designated as Minnesota Day and when it does not fall on a school day, the school day nearest such day is designated as Minnesota Day. On that day all the public schools of this state shall give special attention to exercises devoted to matters of interest pertaining to the state of Minnesota and its geography, history, industries, and resources.

[ Ex1959 c 71 art 7 s 9 ]

**126.10** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.10 SPECIAL DAYS.** The following days or the school days nearest such days are hereby designated for special observance in the public schools of the state: September 28 as Frances Willard Day, October 9 as Leif Ericson Day, and February 15 as Susan B. Anthony Day. On such days one-half hour may be devoted in the schools to instruction and appropriate exercises relative to and in commemoration of the life and history of the respective persons and the principles and ideals they fos-

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[ Ex1959 c 71 art 7 s 10 ]

126.11 MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.11 ARBOR DAY.** Subdivision 1. The last Friday in April is designated Arbor Day. On that day there may be special observances throughout the state celebrating and emphasizing the importance of cultivating forest, fruit and ornamental trees. In the public schools of the state, time may be devoted by the teachers, either in the classroom or outside of the classroom, to appropriate instructions and exercises commemorating the history and tradition of Arbor Day observances in the past and illustrating the future value to the state of cultivating, planting and developing the trees and forest resources. These observances shall not consume more than one-half of the normal school day.

Subd. 2. The department of natural resources may assist and encourage the observance of Arbor Day by any public school, group or association requesting assistance. The department may lend its facilities and resources to such public school, group or association for the planting and cultivating of trees.

Subd. 3. The governor shall in any way he deems necessary encourage the observances and exercises set forth in this section and he shall by proclamation call the public's attention to the importance of the state forest resources and the policy herein set forth.

[ Ex1959 c 71 art 7 s 11; 1965 c 405 s 1; 1969 c 1129 art 3 s 1 ]

**126.111 ENVIRONMENTAL CONSERVATION EDUCATION.** The state department of education with the cooperation of the department of natural resources shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with sociological principles, the production of appropriate curriculum materials and implementation in the public schools in the state.

[ 1969 c 1025 s 1; 1969 c 1129 art 3 s 2 ]

126.12 MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.12 LENGTH OF SCHOOL YEAR.** The school shall be in session for not less than a minimum term, as defined by the state board, but this provision shall not apply to night schools or kindergartens. Every Saturday shall be a school holiday. The school board shall determine the number of school days of each school year on or before April 1 of the calendar year in which such school year commences.

[ Ex1959 c 71 art 7 s 12; 1967 c 890 s 2; 1974 c 326 s 15 ]

126.13 MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.13 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.** The governing body of any district may contract with any of the teachers thereof for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: Lincoln's and Washington's birthdays, Columbus Day and Veterans' Day, provided that on Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program be devoted to a patriotic observance of the day.

[ Ex1959 c 71 art 7 s 13 ]

126.14 MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.14 UNITED STATES FLAG.** Subdivision 1. **Displayed by schools.** There shall be displayed at every public school in Minnesota when in session an appropriate United States flag. Such display shall be upon the school grounds or outside the school building, upon a proper staff, on every legal holiday occurring during the school term and at such other times as the respective boards of such districts may direct and within the principal rooms of such school building at all other times while the same is in session.

Subd. 2. **School boards to provide flags and staffs.** It shall be the duty of each board to provide such flag for each of the school buildings of their respective districts, together with a suitable staff for the display thereof outside of such school building and proper arrangement for the display thereof within such building, and a suitable

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receptacle for the safekeeping of such flag when not in use, as by this section directed, at all times.

[ Ex1959 c 71 art 7 s 14 ]

**126.15** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.15 SCHOOL SAFETY PATROLS.** Subdivision 1. **Establishment.** In the exercise of authorized control and supervision over pupils attending schools and other educational institutions, both public and private, the governing board or other directing authority of any such school or institution is empowered to authorize the organization and supervision of school safety patrols for the purpose of influencing and encouraging other pupils to refrain from crossing public highways at points other than regular crossings and for the purpose of directing pupils when and where to cross highways.

Subd. 2. **Appointment of members.** Unless the parents or guardian of a pupil object in writing to the school authorities to the appointment of the pupil on a school safety patrol, it is lawful for any pupil over nine years of age to be appointed and designated as a member thereof, provided that in any school in which there are no pupils who have attained such age any pupil in the highest grade therein may be so appointed and designated.

Subd. 3. **Liability not to attach.** No liability shall attach either to the school, educational institution, governing board, directing authority, or any individual director, board member, superintendent, principal, teacher, or other school authority by virtue of the organization, maintenance, or operation of such a school safety patrol because of injuries sustained by any pupil, whether a member of the patrol or otherwise by reason of the operation and maintenance thereof.

Subd. 4. **Identify, operation.** Identification and operation of school safety patrols shall be uniform throughout the state and the method of identification and signals to be used shall be as prescribed by the commissioner of public safety.

[ Ex1959 c 71 art 7 s 15; 1971 c 491 s 4 ]

**126.151 VOCATIONAL EDUCATION STUDENT ORGANIZATIONS.** Any pupil enrolled in a vocational-technical education program approved by the state board of education may belong to a vocational student organization which is operated as an integral part of the program. The commissioner of education may provide assistance and leadership to these organizations.

[ 1975 c 432 s 71 ]

**126.16** MS 1957 [ Repealed, Ex1959 c 71 art 8 s 26 ]

**126.16 TEXTBOOKS, LICENSE TO SELL.** Before any person, company, or corporation shall offer any school textbook for adoption, sale, or exchange, in the state of Minnesota, the person, company, or corporation shall comply with the following conditions:

(1) File in the office of the commissioner, a sworn statement of the usual list price, the lowest wholesale price, and the lowest exchange price, based on five-year adoption periods, at which such textbook is sold, or exchanged for an old textbook in the same subject of like grade, and kind, but a different series, to any school board, school corporation, or school textbook commissioner anywhere in the United States;

(2) File with the commissioner a written agreement (a) to furnish such textbook or books to any board at the lowest prices so filed, and to maintain such prices uniformly throughout the state; (b) to reduce such prices automatically in Minnesota whenever reductions are made elsewhere in the United States, and guarantee that at no time shall any such textbook be sold in Minnesota at a higher price than is received for such textbook elsewhere in the United States; and (c) that all copies of a textbook offered for sale in Minnesota shall be equal in quality as regards paper, binding, print, illustrations, subject matter, and all points that may affect the value of the textbooks to any sample copy provided a school district;

(3) File with the commissioner a surety bond of not less than \$2,000, and not more than \$10,000, in an amount to be fixed by the commissioner, conditioned upon the faithful performance of all contracts, agreements, and guaranties with the state of Minnesota and any school district within the state of Minnesota made by the person, company, or corporation. The bond shall run to the state of Minnesota and to any school district which may have a cause of action against the person, company, or cor-

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poration arising at any time after the bond is filed and before it is cancelled for breach of any contract, agreement, or guaranty made by the person, company, or corporation with the state or any school district. The bond shall be approved by the attorney general.

Upon compliance with the foregoing conditions, the person, company, or corporation shall be licensed to sell school textbooks in the state of Minnesota.

[ Ex1959 c 71 art 7 s 16; 1973 c 386 s 1 ]

**126.17** [ Repealed, 1973 c 386 s 3 ]

### **126.18 LIST OF TEXTBOOKS AND PRICES; DUTIES OF COMMISSIONER.**

When the publisher shall prepare an abridged or special edition of any of his textbooks listed with the commissioner and supply such special edition elsewhere at a lower wholesale price than the wholesale price scheduled with the commissioner, the publisher must agree to furnish such special edition at the wholesale price at which it is furnished elsewhere, so long as it is supplied at this lower price anywhere outside of Minnesota; and it shall be understood that the bond given by the publisher shall cover this provision as to special edition. In case an action is brought upon such bond, the state, if successful, shall recover the full amount of the bond, which amount shall be paid into the state school fund.

[ Ex1959 c 71 art 7 s 18 ]

**126.19** [ Repealed, 1974 c 92 s 1 ]

**126.20 EYE PROTECTIVE DEVICES.** Subdivision 1. Every person shall wear industrial quality eye protective devices when participating in, observing or performing any function in connection with, any courses or activities taking place in eye protection areas, as defined in subdivision 3, of any school, college, university or other educational institution in the state.

Subd. 2. Any student failing to comply with such requirements may be temporarily suspended from participation in said course and the registration of a student for such course may be cancelled for willful, flagrant, or repeated failure to observe the above requirements.

Subd. 3. Eye protection areas shall include, but not to be limited to, vocational or industrial art shops, science or other school laboratories, or school or institutional facilities in which activities are taking place and materials are being used involving:

- (a) Hot molten metals;
- (b) Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials;
- (c) Heat treatment, tempering or kiln firing of any metal or other materials;
- (d) Gas or electric arc welding;
- (e) Repair or servicing of any vehicle or mechanical equipment;
- (f) Any other activity or operation involving work in any area that is potentially hazardous to the eye.

Subd. 4. The governing body of a public educational institution referred to in subdivision 1 may purchase such devices in large quantities for the use of pupils, teachers and visitors.

Subd. 5. Any person desiring protective-corrective lenses instead of the protective devices supplied by the educational institution shall, at his own expense, procure and equip himself with industrial quality eye protective devices.

Subd. 6. "Industrial quality eye protective devices," as used in this section, shall mean devices meeting the standards of the American National Standard Institute, currently identified as Z87.1-1968.

[ Ex1967 c 14 s 1 subs 1-6; 1976 c 40 s 1 ]

**126.21 ATHLETIC PROGRAMS; SEX DISCRIMINATION.** Subdivision 1. Notwithstanding any other state law to the contrary, in athletic programs operated by educational institutions or public services and designed for participants 12 years old or older or in the seventh grade or above, it is not an unfair discriminatory practice:

(1) to restrict membership on an athletic team to participants of one sex, if this restriction is necessary to provide members of each sex with an equal opportunity to

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participate in the athletic program; provided, if a membership restriction on the basis of sex results in the operation of two teams in the same sport which are separated or substantially separated according to sex, the two teams shall be operated in compliance with all the provisions of clause (2); or

(2) to provide two teams in the same sport which are in fact separated or substantially separated according to sex, if the two teams are provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects are treated in a substantially equal manner. The two teams shall be operated separately only in those activities where separation is necessary to provide the members of each sex equal opportunity to participate in the athletic program.

Subd. 2. Any organization, association or league entered into by educational institutions or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between members shall effective July 1, 1976 provide rules and regulations and conduct its activities so as to permit its members to comply fully with subdivision 1 and section 363.03, subdivisions 4 and 5.

Subd. 3. Educational institutions and public services shall make every reasonable effort to provide substantially equal budgets per participant pursuant to subdivision 1 during the school year 1975-1976, and thereafter shall provide substantially equal budgets per participant pursuant to subdivision 1. Educational institutions and public services shall phase out separation based on sex in athletic programs designed for participants 11 years old or younger and in the sixth grade or below during the school years 1975-1976, 1976-1977, and 1977-1978, and thereafter shall comply fully with subdivision 1 and section 363.03, subdivisions 4 and 5.

[ 1975 c 338 s 1 ]