

# MINNESOTA STATUTES 1977 SUPPLEMENT

## DEFINITIONS; GENERAL PROVISIONS 120.095

Each school district shall file the energy conservation survey and estimated fuel procurement data for at least half the public school buildings within the district with the director before December 31, 1978, and all remaining buildings by December 31, 1979, for his review and comment.

[ 1977 c 381 s 17 ]

### 116H.129 Energy conservation in residential buildings.

Subdivision 1. Before January 1, 1978, the commissioner of administration, in consultation with the director and the appropriate standing committees of the legislature, shall promulgate minimum energy efficiency standards for existing residential buildings. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current average residential energy costs in Minnesota as certified by the director, will exceed the cost of the energy conserving requirements amortized over a period of five years.

By February 15, 1978, the director shall make recommendations to the legislature on methods to obtain compliance with the standards set forth in this subdivision.

Subd. 2. Before January 1, 1978, the commissioner of administration, in consultation with the director, shall by rule amend the standards concerning heat loss, illumination, and climate control promulgated pursuant to section 116H.12, subdivision 4, to require that electrical service to individual dwelling units in buildings containing two or more units be separately metered, with individual metering readily accessible to the individual occupants. The standards authorized by this subdivision shall only apply to buildings constructed after the effective date of the amended standards. Buildings intended for occupancy primarily by persons who are 62 years of age or older or handicapped, or which contain a majority of units not equipped with complete kitchen facilities, shall be exempt from the provisions of this subdivision.

[ 1977 c 381 s 18 ]

### 116H.13 Certificate of need.

[For text of subds 1 to 3, see M.S.1976]

Subd. 4. After promulgation of the criteria for assessment of need, any person proposing to construct a large energy facility shall apply for a certificate of need prior to construction of the facility. The application shall be on forms and in a manner established by the director. In reviewing each application the director shall hold at least one public hearing pursuant to chapter 15.

[For text of subds 5 to 8, see M.S.1976]

[ 1977 c 381 s 19 ]

## CHAPTER 120. DEFINITIONS; GENERAL PROVISIONS

Sec.		Sec.	
120.095	School census.	120.81	Minnesota educational computing consortium, receipts. [New]
120.10	Compulsory attendance.	120.82	Contracts. [New]
120.17	Handicapped children.		

### 120.095 School census.

[For text of subds 1 to 5, see M.S.1976]

Subd. 6. The school census shall include an enumeration of children of limited English speaking ability residing within the district by primary language, race and

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national origin. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about students of limited English speaking ability residing in the school district. As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 126.34.

Subd. 7. The school census shall include an enumeration of American Indian children resident within the district. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about American Indian children residing in the school district.

[ 1977 c 306 s 13; 1977 c 312 s 12 ]

### 120.10 Compulsory attendance.

Subdivision 1. **Ages and term.** Every child between seven and 16 years of age shall attend a public school, or a private school, during the entire time that the school is in session during any school year. No child shall be required to attend a public school more than 200 days or their equivalent, during any school year.

Subd. 2. **School.** A school, to satisfy the requirements of compulsory attendance, must be one: (1) in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects and (2) which is in session each school year for at least 175 days or their equivalent; provided that in a program of instruction for children of limited English speaking ability, instruction and textbooks may be in the primary language of the children of limited English speaking ability enrolled therein. Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 126.34.

[For text of subds 3 and 4, see M.S.1976]

[ 1977 c 306 s 14; 1977 c 447 art 7 s 2,3 ]

### 120.17 Handicapped children.

Subdivision 1. **Special instruction for handicapped children of school age.** Every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district and who are handicapped as set forth in section 120.03. School age means the ages of four years to 21 years for children who are handicapped as defined in section 120.03 and shall not extend beyond secondary school or its equivalent. For purposes of this subdivision, the age of a handicapped child shall be his age as of September 1 of the calendar year in which the school year for which he seeks special instruction and services commences. Every district may provide special instruction and services for handicapped children who have not attained school age. Districts with less than the minimum number of eligible handicapped children as determined by the state board shall cooperate with other districts to maintain a full sequence of programs for education, training and services for handicapped children as defined in section 120.03.

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Subd. 1a. School districts may provide special instruction and services through the school year in which the pupil reaches age 25 for trainable mentally retarded pupils as defined in section 120.03, subdivision 4, who have attended public school less than nine years.

Any district may provide special instruction and services for these trainable mentally retarded pupils living within the district, including nonresident pupils temporarily placed in the district pursuant to subdivision 6 or 7. Prior to October 1 or 30 days after placement, whichever is later in the school year, the providing district shall give notice to the district of residence of any nonresident pupil placed in the district pursuant to subdivision 6 or 7, of its intention to provide the special instruction and services and bill the district of residence for the actual unreimbursed costs of providing the special instruction and services. The unreimbursed actual cost of providing the special instruction and services for eligible nonresident pupils shall be billed to the district of the pupil's residence and shall be paid by the resident district. The district of residence may claim state aid for these pupils as if the pupils were under 21 years of age.

This subdivision shall expire on June 30, 1983.

*[For text of subds 2 to 5, see M.S.1976]*

Subd. 5a. Every district may provide summer programs for handicapped children living within the district, including nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7. Prior to March 31 or 30 days after the handicapped child is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7, of its intention to provide these programs. Notwithstanding any contrary provisions in subdivisions 6 and 7, the school district providing the special instruction and services shall apply for all state aid for the summer program, including special state aid pursuant to section 124.32, foundation aid and transportation aid. For the purposes of computing foundation aid for these programs, all pupils enrolled in these programs shall be construed to be residents of the district providing the programs. The unreimbursed actual cost of providing the program for nonresident handicapped children may be billed to the district of the child's residence and shall be paid by the resident district.

*[For text of subds 6 and 7, see M.S.1976]*

Subd. 7a. **Attendance at school for the handicapped.** Responsibility for special instruction and services for a visually disabled or hearing impaired child attending the Minnesota school for the deaf or the Minnesota braille and sight-saving school shall be determined in the following manner:

(a) The legal residence of the child shall be the school district in which his parent or guardian resides.

(b) When it is determined pursuant to section 128A.05, subdivisions 1 or 2 that the child is entitled to attend either school, the state board shall provide the appropriate educational program for the child. The state board shall make a tuition charge to the child's district of residence for the actual cost of providing the program; provided, however, that the amount of tuition charged shall not exceed \$2,000 for any school year. The district of the child's residence shall pay the tuition

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and may claim foundation aid for the child. All tuition so received shall be deposited in the state treasury.

(c) When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the school district where the institution is located shall provide an appropriate educational program for the child and shall make a tuition charge to the state board for the actual cost of providing the program, less any amount of aid received pursuant to section 124.32. The state board shall pay the tuition and other program costs including the unreimbursed transportation costs. Aids for handicapped children shall be paid to the district providing the special instruction and services. Special transportation shall be provided by the district providing the educational program and the state shall reimburse such district within the limits provided by law;

(d) Notwithstanding the provisions of clauses (b) and (c), the state board may agree to make a tuition charge for less than the amount specified in clause (b) for pupils attending the applicable school who are residents of the district where the institution is located and who do not board at the institution, if that district agrees to make a tuition charge to the state board for less than the amount specified in clause (c) for providing appropriate educational programs to pupils attending the applicable school.

[For text of subds 8a to 10, see M.S.1976]

[ 1977 c 447 art 3 s 1-4; 1977 c 449 s 12 ]

### 120.81 Minnesota educational computing consortium, receipts.

Subdivision 1. Effective October 1, 1977, no funds appropriated by the state shall be transferred to or expended with or by the Minnesota educational computing consortium unless the consortium adheres to the provisions of chapters 15, 16, excepting sections 16.90 and 16.94 thereof, 16A and 43.

Subd. 2. Notwithstanding the provisions of subdivision 1, the consortium is authorized to maintain a revolving fund for all receipts derived from computer services provided by the consortium and further provided that the consortium board may establish one management position in the unclassified service.

[ 1977 c 449 s 20 ]

### 120.82 Contracts.

The Minnesota educational computing consortium, created and now existing pursuant to section 471.59, its members and elementary-secondary and vocational school regional computing centers, are authorized to provide computer services to private educational institutions and to other individuals or groups in the event that MECC has computer service capabilities in excess of need and to establish and collect fees therefor. Provided, however, that the fees shall in no event be less than the cost of providing the services.

[ 1977 c 449 s 21 ]

## CHAPTER 121. ADMINISTRATION AND SUPERVISION

Sec.		Sec.	
121.02	State board of education.	121.902	Council recommendations.
121.07	Repealed.	121.908	Requirement for accounting, budgeting and reporting.
121.08	Repealed.	121.912	Permanent fund transfers. [New]
121.09	Administration; exceptions.	121.914	Statutory operating debt.
121.10	Repealed.	121.917	Expenditure limitations.
121.11	State board.		
121.16	Commissioner of education.		
121.48	Purchase of annuity for employees.		
121.88	District programs; citizens advisory council.		

### 121.02 State board of education.

Subdivision 1. A state department of education is hereby created which shall