

MINNESOTA STATUTES 1977 SUPPLEMENT

121.914 ADMINISTRATION AND SUPERVISION

statutory operating debt.

[For text of subds 5 to 10, see M.S.1976]

[1977 c 447 art 7 s 9-12]

121.917 Expenditure limitations.

Subdivision 1. (a) Beginning in fiscal year 1978 and in each year thereafter, a district which had statutory operating debt on June 30, 1977 pursuant to section 121.914 shall limit its expenditures in each fiscal year so that the amount of its statutory operating debt calculated at the end of that fiscal year is not greater than the amount of the district's statutory operating debt as of June 30, 1977, as certified and adjusted by the commissioner, increased by an amount equal to two and one-half percent of that district's operating expenditures for the fiscal year for which the statutory operating debt calculation is being made.

(b) When a district is no longer required to levy pursuant to section 275.125, subdivision 9a, subdivision 2 of this section shall be applicable.

Subd. 2. Beginning in fiscal year 1978 and each year thereafter, any district not subject to the provisions of subdivision 1 shall limit its expenditures so that its unappropriated fund balances shall not constitute statutory operating debt as defined in section 121.914.

[For text of subd 3, see M.S.1976]

[1977 c 447 art 7 s 13,14]

CHAPTER 122. SCHOOL DISTRICTS, FORMATION AND ALTERATION

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122.21 Detachment and annexation of land.

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

Subd. 6. Upon the effective date of the order, the detachment and annexation ordered therein is effected. All taxable property in the area so detached and annexed remains taxable for payment of any school purpose obligations theretofore authorized by or on that date outstanding against the district from which detached. Such property is not by virtue of the order relieved from the obligation of any bonded debt theretofore incurred to which it was subject prior to the order. All taxable property in the area so detached and annexed is taxable for payment of any school district obligations authorized on or subsequent to the effective date of the order by the district to which annexation is made.

[1977 c 447 art 7 s 15]

122.84 Policy.

It is the policy of the state to encourage experimental delivery systems and comprehensive educational planning that will afford better educational opportunities for all pupils, make possible a more economical and efficient operation of the schools and insure a more equitable distribution of public school revenue.

[1977 c 447 art 10 s 1]

SCHOOL DISTRICTS, FORMATION AND ALTERATION 122.85

122.85 Experimental pairing.

Subdivision 1. Notwithstanding the provisions of sections 122.41 and 122.43, the board of any school district paired with another in this section upon approval by the school boards of both of the paired districts may enter into an agreement providing for the discontinuance by one district of any of grades kindergarten through 12 and the instruction in the other district of the pupils in the discontinued grades. This provision shall apply on an experimental basis to the following pairs of school districts: Independent School Districts No. 217 and No. 220, No. 440 and No. 444, No. 649 and No. 650, No. 782 and No. 783, and No. 893 and No. 896. These experimental pairing agreements shall not extend beyond June 30, 1980.

Subd. 2. Districts entering into experimental agreements permitted in subdivision 1 shall count their resident pupils who are educated in the other district as resident pupils in the calculation of pupil units for all purposes, including foundation aid and levy limitations. Notwithstanding the provisions of section 124.18, subdivision 2, the agreements permitted in subdivision 1 shall provide for such tuition payments as the participating districts determine are necessary and equitable to compensate each district for the instruction of any nonresident pupils.

Subd. 3. The school board and exclusive bargaining representative of the teachers in each district discontinuing grades pursuant to an agreement permitted in subdivision 1 may negotiate a plan for the assignment or employment in the other district or the placement on unrequested leave of absence of any teachers whose positions are discontinued as a result of the agreement. The school board and exclusive bargaining representative of the teachers in each district providing instruction to nonresident pupils pursuant to an agreement permitted in subdivision 1 may negotiate a plan for the employment of teachers from the other district whose positions are discontinued as a result of the agreement. If such plans are negotiated in any pair of districts and if the plans are compatible with one another, the boards of those districts shall include the plans in their agreement.

Subd. 4. If compatible plans are not negotiated pursuant to subdivision 3 before the March 1 preceding any year of the agreement permitted in subdivision 1, the participating districts shall be governed by the provisions of this subdivision. Insofar as possible, teachers who have acquired continuing contract rights and whose positions are discontinued as a result of the agreement shall be employed by the other district or assigned to teach in the other district as exchange teachers pursuant to section 125.13. If necessary, teachers who are employed in affected grade levels in either district and who have acquired continuing contract rights shall be placed on unrequested leave of absence as provided in section 125.12, subdivision 6b, in fields in which they are licensed in the inverse order in which they were employed by either district, according to a combined seniority list of teachers in affected grades in both districts.

Subd. 5. As used in this section, the term "teacher" shall have the meaning given in section 125.12, subdivision 1.

Subd. 6. Each district entering into an agreement pursuant to subdivision 1 shall continue to provide transportation and collect transportation aid for its resident pupils pursuant to sections 123.39, 124.222 and 124.223. This subdivision shall not be construed to prohibit a district from providing some or all transportation to its resident pupils by contracting with the other district which has entered the agreement. For purposes of aid calculations pursuant to section 124.222, the commissioner may adjust the base cost per eligible pupil transported to reflect changes in costs resulting from the agreement.

Subd. 7. Each set of paired districts shall provide a report to the state department of education on August 1, 1978 and August 1, 1979. This report shall include an assessment of the fiscal and program impact of the experimental pairing experience.

[1977 c 447 art 10 s 2]

NOTE: This section shall take effect with respect to each pair of independent school districts named in subdivision 1 upon its approval by the school boards of both of the paired districts, pursuant to Laws 1977, Chapter 447, Article 10, Section 9.

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122.86 Educational planning task forces.

Subdivision 1. **Creation.** In order to provide for comprehensive and coherent planning for the delivery of educational services pursuant to sections 122.86 to 122.89, each educational cooperative service unit shall establish an educational planning task force. In the event an area has not established an ECSU by September 1, 1977, the commissioner shall establish a task force for that area.

Subd. 2. **School district participation.** The geographic location of the central administrative office of a school district on July 1, 1977 shall determine the participation of the total school district in a particular task force planning area. Each school district in the state shall be a member of the planning task force for its area.

Subd. 3. **Task force membership.** Each task force shall consist of one member from each school district within its geographic boundaries. Each school board shall be responsible for selecting its own representative. This appointment shall be made no later than August 15, 1977, and the ECSU and the commissioner shall be notified of these appointments no later than September 1, 1977. Members of these task forces shall hold their offices from the dates of their selection until June 30, 1980. Vacancies on the task forces shall be filled by the representative school boards in the same manner as the original appointments.

Subd. 4. **Organization.** The ECSU director shall call the first meeting of each task force at a time designated by him prior to September 30, 1977. In those areas in which an ECSU has not been formed, the commissioner shall call the initial meeting. At this meeting, each task force shall elect from its membership a chairman and such other officers as it may deem necessary, and conduct any other necessary organizational business.

[1977 c 447 art 10 s 3]

122.87 Local school district planning.

Subdivision 1. Each school district shall develop a plan for the efficient and effective delivery of educational programs and services.

Subd. 2. In the development of its plan, each district shall confer with interested faculty and residents within the district, hold such public meetings as may be necessary, and furnish to the public necessary information concerning its plan and recommendations.

Subd. 3. School districts may meet jointly to discuss plans which will cross school district boundaries.

Subd. 4. Each school district plan shall include:

(1) a statement of the goals and priorities of the district relating both to educational programs and services and to organization and management for the delivery of such programs and services; provided, goals and priorities relating to educational programs and services shall be developed as provided in section 123.741;

(2) a description, analysis, and assessment of alternative methods of organization and management which shall include: a summary of opportunities for coordination and cooperation with other districts, a statement of the consideration given to such opportunities and the reason for their rejection, a summary of restrictions and impediments to coordination and cooperation, and an assessment of the relative costs and benefits thereof;

(3) a statement of the data and assumptions upon which the district's goals and priorities and consideration of alternatives are based, with respect to at least the following factors:

(a) Enrollments for the school district including projections for fiscal years 1981, 1983, and 1988;

(b) Educational programs, services and staffing in the school district;

(c) The financial status and ability of the school district to support educational programs, including projections of revenue and expenditure;

(d) The use, capacity, location and condition of school buildings in the dis-

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trict, and needed capital improvements in excess of \$200,000 for the period through fiscal year 1983;

(e) Transportation costs and routes in the district;

(f) Non-public school enrollments and programs and their impact on the district.

Subd. 5. The plan shall be for the period July 1, 1980, through June 30, 1983.

Subd. 6. The school district plan shall be delivered to the ECSU task force by December 1, 1978, with an informational copy sent to the commissioner.

[1977 c 447 art 10 s 4]

122.88 Task force powers and duties.

Subdivision 1. The task force shall meet as necessary to assess progress of the local district planning process and provide interdistrict communications.

Subd. 2. The task force shall recommend that the ECSU employ such professional, clerical and technical assistants as they deem necessary to accomplish the purpose of the task force. Members of the task force shall receive expenses deemed necessary to accomplish their purpose. An ECSU shall be designated as fiscal agent. Where an ECSU does not exist, the task force may designate a local school district to serve as fiscal agent.

Subd. 3. The task force shall review and comment on plans from each district. In addition, the task force shall develop an areawide plan, which shall include: (a) a description of the organization and management of educational services in the area through 1983; (b) a description of alternative methods of organization and management and the cost and benefits of each; (c) a summary of opportunities for coordination and cooperation among school districts in the area; and (d) a summary of restrictions and impediments to such coordination and cooperation. The task force shall transmit its plan and its comments on each district plan to each local school district in the area and to the state department of education by June 1, 1979.

Subd. 4. In the event a plan is not submitted by a school district, the task force shall prepare a plan for that district.

[1977 c 447 art 10 s 5]

122.89 State department of education.

Subdivision 1. The state department of education shall receive and review the report of each ECSU planning task force. The state department shall no later than September 1, 1979, transmit the ECSU planning task force reports to the legislature.

Subd. 2. In the event a report is not submitted by an ECSU task force, the state department of education shall provide the report for that area.

[1977 c 447 art 10 s 6]

122.90 Review and comment for school district construction.

Subdivision 1. After July 1, 1977, no referendum for bonds or solicitation of bids for construction of an educational facility which requires a capital expenditure in excess of \$400,000 shall be initiated prior to review and comment by the commissioner. No school board shall separate portions of a single project into components in order to evade the cost limitation of this section. Any construction project for which bonds have been authorized by referendum or legislative act or for which bids have been solicited prior to July 1, 1977, shall be considered to have been initiated prior to July 1, 1977 for purposes of this section.

Subd. 2. Each school board proposing to engage in construction of educational facilities as provided in subdivision 1 shall submit to the commissioner a proposal containing information including but not limited to the following:

(a) the geographic area likely to be served, whether within or outside the boundaries of the school district;

(b) the population likely to be served, including census findings and projec-

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tions relative to the population of preschool and school aged persons in the area;

(c) the reasonably anticipated need for the facility or service to be provided by the proposal;

(d) a description of the construction in reasonable detail, including:

(1) the capital expenditures contemplated;

(2) the estimated annual operating cost, including the anticipated salary cost and numbers of new staff necessitated by the proposal; and

(3) an evaluation of the energy efficiency and effectiveness of the construction including estimated annual energy costs;

(e) so far as is known, existing institutions within the area to be served that offer the same or similar service; the extent of utilization of existing facilities or services; the extent to which space is available from other sources, including institutions for higher education or other public buildings; and the anticipated effect that the proposal will have on existing facilities and services;

(f) the anticipated benefit to the area that will result from the proposal;

(g) so far as is known, the relationship of the proposed construction to any priorities which have been established for the area to be served;

(h) the availability and manner of financing of the proposed construction and the estimated date of commencement and completion of the project; and

(i) any desegregation requirements, provided they cannot be met by any other reasonable means.

Subd. 3. In reviewing each proposal, the commissioner or his designee shall submit to the local school board within 60 days of the receipt of the proposal his review and comment concerning the educational and economic advisability of the project. The review and comment shall be based on the information submitted with the district proposal and any other information he deems necessary.

Subd. 4. At least 20 days but no more than 60 days prior to any referendum for bonds or the solicitation of any bids for the construction of such educational facility, the local school board shall cause the review and comment of the commissioner to be published in a legal newspaper of general circulation in the area. Any supplementary information shall be held for public scrutiny at the central administrative office of the school district.

Subd. 5. Before January 15, 1978 and January 15 of each year thereafter, the commissioner shall report to the legislature on the number and nature of proposals for construction projects submitted pursuant to this section and the nature of his review and comment on their educational and economic advisability. The report shall include information on the final actions of school districts concerning construction projects for which proposals were submitted and reviewed pursuant to this section. If a substantial amount of construction has been carried out despite the finding of the commissioner that it would be educationally or economically inadvisable, the report shall contain the commissioner's specific recommendations for further legislation needed to prevent school districts from carrying out inadvisable projects in the future. These recommendations shall include the commissioner's proposal for legislation requiring districts to obtain a certificate of need before commencing construction of an educational facility.

[1977 c 447 art 10 s 7]