

CHAPTER 121

ADMINISTRATION AND SUPERVISION

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121.02 STATE BOARD OF EDUCATION.

[For text of subds 1 to 3, see M.S.1984]

Subd. 4. **Board staff.** The state board may appoint a staff assistant who shall serve in the unclassified service.

History: 1Sp1985 c 11 s 11

121.11 STATE BOARD.

[For text of subds 5 to 7, see M.S.1984]

Subd. 7a. [Repealed, 1Sp1985 c 12 art 7 s 33]

[For text of subds 8 to 15, see M.S.1984]

121.151 STANDARDS FOR REMOVAL OF HAZARDOUS SUBSTANCES.

Prior to using the revenue obtained according to sections 123.36, subdivision 13, 124.245, subdivisions 2 and 3, and 275.125, subdivisions 11b and 11c, a school district shall obtain approval from the department of education for its method of removal or encapsulation of asbestos or cleanup or disposal of polychlorinated biphenyls. The department of education shall consult with the pollution control agency, health department, environmental protection agency, or other appropriate governmental agency in approving or disapproving a district's method. If the pollution control agency or other appropriate governmental agency adopts rules establishing standards for asbestos removal or encapsulation or cleanup or disposal of polychlorinated biphenyls, the department of education shall approve only those district methods which are in compliance with the adopted rules.

History: 1Sp1985 c 12 art 6 s 1

121.161 SHARED SERVICE AGREEMENTS.

The commissioner may make a shared service agreement with another public agency. The agreement must be of mutual benefit to the state, the department, and the other agency. The term of the agreement must not be more than three years. The commissioner and the other agency need not consult the legislative advisory commission before making the agreement.

Charges by the department and the other agency must be on an actual cost basis, and the receipts are dedicated to the operation of the department or agency receiving them and are appropriated for that purpose.

History: 1Sp1985 c 12 art 7 s 6

121.608 EDUCATIONAL EFFECTIVENESS PLAN.

The commissioner of education shall develop a comprehensive statewide plan for maintaining and improving educational effectiveness in the schools. The plan shall encourage implementation of educational effectiveness strategies based on research findings in the area, develop in-service programs for school district staff, integrate developments in educational technology with classroom instruction, and develop a mechanism for establishing a statewide network to coordinate and disseminate information on research in educational effectiveness. The commissioner may employ consultants and specialists to assist in the development of the plan, and, to the extent possible, shall utilize the information provided by the planning, evaluation, and reporting process and the statewide assessment program. The plan shall be revised as necessary.

History: *1Sp1985 c 12 art 8 s 1*

121.609 EDUCATIONAL EFFECTIVENESS INSTRUCTION.

Subdivision 1. Advisory task force; program implementation. The commissioner of education shall appoint an advisory task force to assist the department of education, in cooperation with the educational cooperative service units, in developing an implementation program for providing in-service instruction to school district staff in educational effectiveness. The in-service program shall be based on established principles of instructional design and the essential elements of effective instruction as determined by educational research. The in-service program shall take into account the diverse needs of the school districts due to such factors as district size and location, and shall be structured to facilitate regional delivery of in-service instruction through the educational cooperative service units.

Subd. 2. Research and development of in-service program. The commissioner shall administer a research and development program of educational effectiveness in-service. The advisory task force established in subdivision 1 may recommend modifications in the in-service program as necessary.

Subd. 3. Evaluation and report. The commissioner shall provide for independent evaluation of the effectiveness of this section. The evaluation results shall be reported to the education committees of the legislature by January 15 of each year.

The commissioner, with the assistance of the advisory task force, shall develop a long-term evaluation instrument for use at the research and development sites and other districts utilizing the educational effectiveness program. The long-term evaluation instrument shall include a method for measuring student achievement.

Subd. 4. Regional services. The department of education shall contract with educational cooperative service units or other regional educational service agencies to provide assistance to the school districts in an educational cooperative service unit region in implementing educational effectiveness. In selecting an agency to provide assistance to the school districts, the department shall consider such factors as support of the proposal by the participating school districts and the extent to which the proposal provides for participation by school district staff. If more than one agency submits a proposal to provide services to school districts within an educational cooperative service unit region, the department shall encourage the agencies to develop a joint proposal.

Subd. 5. Educational effectiveness in-service. Utilizing the statewide plan developed pursuant to section 121.608 and the regional support services authorized in subdivision 4 and based on the research from the educational effectiveness in-service programs authorized in subdivision 2, the department of education shall provide educational effectiveness in-service instruction for school district staff. The

in-service instruction shall be facilitated by building level leadership teams, as defined in the statewide plan developed pursuant to section 121.608. The in-service instruction shall include clarification of individual school missions, goals and expectations, enhancement of collaborative planning and collegial relationships among the building staff, improvement of instructional and organizational skills and the climate of the school, and planning of staff development programs.

History: *1Sp1985 c 12 art 8 s 2*

121.611 NONLICENSED COMMUNITY EXPERTS; VARIANCE.

Subdivision 1. **Authorization.** Notwithstanding any law or state board of education rule to the contrary, the board of teaching may allow school districts to hire nonlicensed community experts to teach in the public schools on a limited basis according to this section.

Subd. 2. **Applications; criteria.** The school district shall apply to the board of teaching for approval to hire nonlicensed teaching personnel from the community. In approving or disapproving the district's application for each community expert, the board shall consider:

(1) the qualifications of the community person whom the district proposes to employ;

(2) the reasons for the district's need for a variance from the teacher licensure requirements;

(3) the district's efforts to obtain licensed teachers, who are acceptable to the school board, for the particular course or subject area;

(4) the amount of teaching time for which the community expert would be hired;

(5) the extent to which the district is utilizing other nonlicensed community experts under this section;

(6) the nature of the community expert's proposed teaching responsibility; and

(7) the proposed level of compensation to the community expert.

Subd. 3. **Approval of plan.** The board of teaching shall approve or disapprove an application within 60 days of receiving it from a school district.

History: *1Sp1985 c 12 art 8 s 3*

121.83 MINNESOTA EDUCATION COUNCIL.

There is hereby established the Minnesota education council composed of the members of the education commission of the states representing this state, and two other persons from each congressional district of which one shall be a legislator. Four representatives shall be appointed by the speaker of the house and four senators shall be appointed by the committee on committees. Legislative members shall serve terms coinciding with their respective terms of office. The commissioner of education shall appoint one member from each congressional district, for terms coinciding with the term of the commissioner, who broadly represent professional and lay interests within this state having the responsibilities for, knowledge with respect to, and interest in educational matters. The commissioner shall designate a chairman from among the council members. The council shall meet on the call of the commissioner, but in any event the council shall meet not less than twice in each year. The council may consider any and all matters relating to recommendations of the education commission of the states and the activities of the members representing this state thereon, shall serve as a forum for major education policies, and shall serve to exchange information about important education activities of interest to all

parties. Members of the council shall serve without salary, but shall be reimbursed for actual expenses incurred in attendance at meetings of the council.

History: 1985 c 285 s 8

121.88 COMMUNITY EDUCATION PROGRAMS; ADVISORY COUNCIL.

Subdivision 1. Authorization. Each school board may initiate a community education program in its district and provide for the general supervision of the program. Each board may, as it considers appropriate, employ community education directors and coordinators to further the purposes of the community education program. The salaries of the directors and coordinators shall be paid by the board.

Subd. 2. Advisory council. Each board shall provide for an advisory council to consist of members who represent: various service organizations; churches; private schools; local government; park, recreation or forestry services of municipal or local government units located in whole or in part within the boundaries of the school district; and any other groups participating in the community education program in the school district.

Subd. 3. Cooperation. The council shall function in cooperation with the community education director in an advisory capacity in the interest of promoting the goals and objectives of sections 121.85 to 121.88.

Subd. 4. Duplication policy. Each council shall adopt a policy to reduce and eliminate program duplication within the district.

Subd. 5. Summer programs. Notwithstanding any law to the contrary, during the summer a school district may offer community education programs to elementary and secondary pupils. The district may use community education revenue received pursuant to sections 124.271 and 275.125, subdivision 8 and charge fees for the cost of the programs.

Subd. 6. Programs for handicapped adults. A school board may offer, as part of a community education program, a program for handicapped adults. Boards are encouraged to offer programs cooperatively with other districts and organizations. Programs may not be limited to district residents. Programs may include:

- (1) services enabling the adults to participate in community activities or community education classes;
- (2) classes specifically for handicapped adults;
- (3) outreach activities to identify adults needing service;
- (4) activities to increase public awareness of the roles of handicapped people;
- (5) activities to enhance the role of handicapped people in the community; and
- (6) other direct and indirect services and activities benefitting handicapped adults.

Subd. 7. Program approval. To be eligible for handicapped adult program revenue, a program and budget must receive approval from the community education section in the department of education. Approval may be for one or two years. For programs offered cooperatively, the request for approval must include an agreement on the method by which local money is to be derived and distributed. The department may not exceed the amount appropriated when approving programs and budgets. A request for approval must include all of the following:

- (1) characteristics of the people to be served;
- (2) description of the program services and activities;
- (3) program budget and amount of aid requested;

- (4) participation by handicapped adults in developing the program;
- (5) assessment of the needs of handicapped adults; and
- (6) cooperative efforts with community organizations.

History: *1Sp1985 c 12 art 4 s 1*

121.882 EARLY CHILDHOOD FAMILY EDUCATION PROGRAMS.

Subdivision 1. Establishment. A district that provides a community education program may establish an early childhood family education program. Two or more districts, each of which provides a community education program, may cooperate to jointly provide an early childhood family education program.

Subd. 2. Program characteristics. Early childhood family education programs are programs for children in the period of life from birth to kindergarten, for the parents of such children, and for expectant parents. The programs may include the following:

- (1) programs to educate parents about the physical, mental, and emotional development of children;
- (2) programs to enhance the skills of parents in providing for their children's learning and development;
- (3) learning experiences for children and parents;
- (4) activities designed to detect children's physical, mental, emotional, or behavioral problems that may cause learning problems;
- (5) educational materials which may be borrowed for home use;
- (6) information on related community resources; or
- (7) other programs or activities.

The programs shall not include activities for children that do not require substantial involvement of the children's parents. The programs shall be reviewed periodically to assure the instruction and materials are not racially, culturally, or sexually biased. The programs shall encourage parents to be aware of practices that may affect equitable development of children.

Subd. 2a. Substantial parental involvement. The requirement of substantial parental involvement in subdivision 2 means that:

- (a) parents must be physically present much of the time in classes with their children or be in concurrent classes;
- (b) parenting education or family education must be an integral part of every early childhood family education program;
- (c) early childhood family education appropriations must not be used for traditional day care or nursery school, or similar programs; and
- (d) the form of parent involvement common to kindergarten, elementary school, or early childhood special education programs such as parent conferences, newsletters, and notes to parents do not qualify a program under subdivision 2.

Subd. 3. Separate accounts. The district shall maintain a separate account within the community education fund for money for early childhood family education programs.

Subd. 4. Participants' fees. A district may charge a reasonable fee but it shall waive the fee for a participant unable to pay.

Subd. 5. Additional funding. A district may receive funds from any governmental agency or private source.

Subd. 6. **Coordination.** A district is encouraged to coordinate the program with its special education and vocational education programs and with related services provided by other governmental agencies and nonprofit agencies.

Subd. 7. **District advisory councils.** The school board shall appoint an advisory council from the area in which the program is provided. A majority of the council shall be parents participating in the program. The council shall assist the board in developing, planning, and monitoring the early childhood family education program. The council shall report to the school board and the community education advisory council.

Subd. 8. **Teachers.** A school board shall employ necessary qualified teachers for its early childhood family education programs.

Subd. 9. **Assistance.** The department of education shall provide assistance to districts with programs described in this section.

Subd. 10. **Rules.** The state board of education may adopt rules about program facilities, staff, services, and procedures.

History: 1Sp1985 c 12 art 4 s 2

121.904 REVENUE; REPORTING.

[For text of subs 1 to 4, see M.S.1984]

Subd. 4a. **Levy recognition.** (a) "School district tax settlement revenue" means the current, delinquent, and manufactured home property tax receipts collected by the county and distributed to the school district, including distributions made pursuant to section 279.37, subdivision 7, and excluding the amount levied pursuant to section 275.125, subdivision 9a, and Laws 1976, chapter 20, section 4.

(b) In June of each year, the school district shall recognize as revenue, in the fund for which the levy was made, the lesser of:

(1) the June and July school district tax settlement revenue received in that calendar year; or

(2) the sum of the state aids and credits enumerated in section 124.155, subdivision 2 which are for the fiscal year payable in that fiscal year plus 24 percent of the amount of the levy certified in the prior calendar year according to section 275.125, subdivision 2d, plus or minus auditor's adjustments, not including levy portions that are assumed by the state; or

(3) 24 percent of the amount of the levy certified in the prior calendar year, plus or minus auditor's adjustments, not including levy portions that are assumed by the state, which remains after subtracting, by fund, the amounts levied for the following purposes:

(i) reducing or eliminating projected deficits in the appropriated fund balance accounts for unemployment insurance and bus purchases;

(ii) statutory operating debt pursuant to section 275.125, subdivision 9a, and Laws 1976, chapter 20, section 4; and

(iii) retirement and severance pay pursuant to section 275.125, subdivision 6a, and Laws 1975, chapter 261, section 4; and

(iv) amounts levied for bonds issued and interest thereon, amounts levied for debt service loans and capital loans, and amounts levied pursuant to section 275.125, subdivision 14a.

(c) In July of each year, the school district shall recognize as revenue that portion of the school district tax settlement revenue received in that calendar year and not recognized as revenue for the previous fiscal year pursuant to clause (b).

(d) All other school district tax settlement revenue shall be recognized as revenue in the fiscal year of the settlement. Portions of the school district levy assumed by the state, including prior year adjustments and the amount to fund the school portion of the reimbursement made pursuant to section 273.425, shall be recognized as revenue in the fiscal year beginning in the calendar year for which the levy is payable.

Subd. 4c. Property tax shift reduction. (a) If the most recent forecast of general fund revenues and expenditures prepared by the commissioner of finance as of December 1 indicates a projected unobligated general fund balance at the close of the biennium in excess of \$10,000,000, the levy recognition percent specified in subdivision 4a, clauses (b)(2) and (b)(3), shall be reduced for taxes payable in the succeeding calendar year, according to the provisions of this subdivision and section 16A.1541.

(b) The levy recognition percent shall equal the result of the following computation: 24 percent, times the ratio of

(1) the statewide total amount of levy recognized in June of the year in which the taxes are payable pursuant to subdivision 4a, clause (b), reduced by the amount of the projected general fund balance, to

(2) the statewide total amount of the levy recognized in June of the year in which the taxes are payable pursuant to subdivision 4a, clause (b).

The result shall be rounded up to the nearest whole percent. However, in no case shall the levy recognition percent be reduced below zero.

(c) The commissioner of finance must certify to the commissioner of education the levy recognition percent computed under this subdivision by January 5 of each year. The commissioner of education must notify school districts of a change in the levy recognition percent by January 15.

(d) The commissioner of finance shall transfer from the general fund to the education aids appropriations specified by the commissioner of education, the amounts needed to finance the additional payments required because of the reduction pursuant to this subdivision of the levy recognition percent. Payments to a school district of additional state aids resulting from a reduction in the levy recognition percent must be included in the cash metering of payments made according to section 124.195 after January 15, and must be paid in a manner consistent with the percent specified in that section.

Subd. 4d. Aid payment percentage increase. (a) Subject to the provisions of section 16A.1541, if the most recent forecast of general fund revenues and expenditures prepared by the commissioner of finance indicates a projected unobligated general fund balance at the close of the biennium, the fund balance must be used to increase the aid payment percentage specified in section 124.195, subdivisions 7 and 10. The increased aid payment percentage shall be rounded to the nearest whole percent above 85 percent but shall not exceed 90 percent.

(b) The commissioner of finance must certify to the commissioner of education the amount available for computing the aid payment percentage. The commissioner of education must determine the method for increasing the aid payment percentage. The commissioner of finance must transfer from the general fund to the education aids, grants, and credits appropriations specified by the commissioner of education the amounts needed to make the additional payments required by this subdivision. The additional payments must be included in the cash metering of payments made according to section 124.195. The commissioner of education must notify school

districts of an increase in the percentage payment of current year school aids under this subdivision within 30 days.

[For text of subds 5 to 14, see M.S.1984]

History: *1Sp1985 c 12 art 10 s 1; 1Sp1985 c 14 art 18 s 5,6*

121.912 PERMANENT FUND TRANSFERS.

Subdivision 1. **Limitations.** Except as provided in this subdivision, sections 121.9121, 123.36, 475.61, and 475.65, a school district may not permanently transfer money from (1) an operating fund to a nonoperating fund; (2) a nonoperating fund to another nonoperating fund; or (3) a nonoperating fund to an operating fund. Permanent transfers may be made from any fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year. Permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. When a district discontinues operation of a district-owned bus fleet or a substantial portion of a fleet, permanent transfers may be made from the fund balance account entitled "pupil transportation fund appropriated for bus purchases" to the capital expenditure fund, with the approval of the commissioner. The levy authorized pursuant to section 275.125, subdivision 11a, shall be reduced by an amount equal to the amount transferred. Any school district may transfer any amount from the unappropriated fund balance account in its transportation fund to any other operating fund or to the appropriated fund balance account for bus purchases in its transportation fund.

[For text of subds 1a to 4, see M.S.1984]

History: *1Sp1985 c 12 art 7 s 7; 1Sp1985 c 16 art 2 s 29*

121.9121 EXCEPTIONS FOR PERMANENT FUND TRANSFERS.

Subdivision 1. **State board authorization.** The state board may authorize a board to transfer money from any fund or account to another fund or account according to this section.

Subd. 2. **Application.** A board requesting authority to transfer money shall apply to the state board and provide information requested. The application shall indicate the law or rule prohibiting the desired transfer. It shall be signed by the superintendent and approved by the school board.

Subd. 3. **Advisory council.** The state board shall submit each application to the advisory council on uniform financial accounting and reporting standards for its recommendations. The advisory council shall develop and maintain guidelines for reviewing and approving requests.

Subd. 4. **Approval standard.** The state board may approve a request only when an event has occurred in a district that could not have been foreseen by the district. The event shall relate directly to the fund or account involved and to the amount to be transferred.

Subd. 5. **Approval.** The state board shall use the advisory council guidelines and recommendation when it approves, disapproves, or modifies a request. It shall take action on a request within 75 days of receiving the request. If the state board action is different from the action recommended by the advisory council, the state board shall provide written reasons for the difference.

Subd. 6. **Procedures.** The state board and advisory council may prepare forms and adopt procedures necessary to implement this section.

Subd. 7. **Report to legislature.** By January 15 each year the state board shall report to the education committees of the legislature about the requests for transfers, action taken for each request, and the reasons for the action. The report shall include the recommendations of the advisory council.

History: *1Sp1985 c 12 art 7 s 8*

121.918 DEPARTMENT MANAGEMENT ASSISTANCE TO SCHOOL DISTRICTS.

The department shall provide management assistance if requested by a district. The assistance may include:

- (1) developing data and assumptions for the district to use in setting priorities and goals and in considering management and organizational alternatives; and
- (2) analyzing and assessing alternative methods of organization and management, including opportunities for coordination and cooperation with other districts, and assessing the relative costs and benefits of the alternatives.

History: *1Sp1985 c 12 art 8 s 4*

121.931 STATEWIDE EDUCATION MANAGEMENT INFORMATION SYSTEM; STATE BOARD POWERS AND DUTIES.

[For text of subs 1 to 6, see M.S.1984]

Subd. 7. **Approval powers.** The state board, with the advice and assistance of the ESV computer council, shall approve or disapprove the following, according to the criteria in section 121.937 and rules adopted pursuant to subdivision 8:

- (a) the creation of regional management information centers pursuant to section 121.935;
- (b) the transfer by a district of its affiliation from one regional management information center to another;
- (c) the use by a district of a management information system other than the ESV-IS subsystem through the regional management information center or a state board approved alternative system pursuant to section 121.936, subdivisions 2 to 4; and
- (d) annual and biennial plans and budgets submitted by regional management information centers pursuant to section 121.935, subdivisions 3 and 4.

[For text of subd 8, see M.S.1984]

History: *1Sp1985 c 12 art 7 s 9*

121.936 SCHOOL DISTRICT MANAGEMENT INFORMATION SYSTEMS.

Subdivision 1. **Mandatory participation.** (a) Every district shall perform financial accounting and reporting operations on a financial management accounting and reporting system utilizing multidimensional accounts and records defined in accordance with the uniform financial accounting and reporting standards adopted by the state board pursuant to sections 121.90 to 121.92.

(b) Every school district shall be affiliated with one and only one regional management information center. This affiliation shall include at least the following components:

- (1) the center shall provide reports to the department of education for the district to the extent required by the data acquisition calendar;

(2) the district shall process every detailed financial transaction using, at the district's option, either the ESV-IS finance subsystem through the center or an alternative system approved by the state board.

Notwithstanding the foregoing, a district may process and submit its financial data to a region or the state in summary form if it operates an approved alternative system or participates in a state approved pilot test of an alternative system.

(c) The provisions of this subdivision shall not be construed to prohibit a district from purchasing services other than those described in clause (b) from a center other than the center with which it is affiliated pursuant to clause (b).

Districts operating an approved alternative system or participating in a state approved pilot test of an alternative financial system shall purchase finance system services from any region if the region of affiliation does not offer alternative system support services.

[For text of subd 1a, see M.S.1984]

Subd. 2. Alternative management information systems. A district may be exempted from the requirement in subdivision 1, clause (b) (2), if it receives the approval of the state board to use another financial management information system. A district permitted before July 1, 1980, to submit its financial transactions in summary form to a regional management information center pursuant to subdivision 1 may continue to submit transactions in the approved form without obtaining the approval of the state board pursuant to this subdivision. A district may be exempted from the requirement in subdivision 1a, clause (b) if it receives the approval of the state board to use an alternative fixed assets property management information system. Any district desiring to use another management information system shall submit a detailed proposal to the state board, the ESV computer council and the regional management information center with which it is affiliated. The detailed proposal shall include a statement of all costs to the district, regional management information center or state for software development or operational services needed to provide data to the regional management information center pursuant to the data acquisition calendar.

[For text of subds 3 to 5, see M.S.1984]

History: 1Sp1985 c 12 art 7 s 10,11