

## CHAPTER 123

SCHOOL DISTRICTS; ELECTION,  
POWERS AND DUTIES

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## 123.32 INDEPENDENT SCHOOL DISTRICTS, ELECTIONS.

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

Subd. 4. At the annual election board members shall be elected to fill vacancies on the board caused by expiration of term on July 1 next following the election. Any person eligible to hold office in the district desiring to be a candidate for a district office at the election shall file with the clerk of the district a written application to be placed on the ballot for the office, or any five voters of the district may file such written application for or on behalf of any person eligible to hold office in the district that they desire shall be such candidate. The application shall be filed not more than 43 nor less than 28 days before the election.

*[For text of subds 5 to 29, see M.S.1984]*

**History:** 1985 c 33 s 1

## 123.33 BOARDS OF INDEPENDENT SCHOOL DISTRICTS.

*[For text of subds 1 to 12, see M.S.1984]*

Subd. 14. A school board, including a school board as defined in section 136C.02, subdivision 8, by a two-thirds vote may become a member of a vocational association and may appoint one or more of its members to attend the annual meeting of such association. The amount of annual membership dues in the association and actual and necessary expenses incurred in attending such meeting shall be paid as other expenses of the district are paid.

*[For text of subds 15 and 16, see M.S.1984]*

**History:** 1985 c 122 s 1

## 123.3514 POST-SECONDARY ENROLLMENT OPTIONS ACT.

Subdivision 1. **Citation.** This section may be cited as the "post-secondary enrollment options act."

Subd. 2. **Purpose.** The purpose of this section is to promote rigorous academic pursuits and to provide a wider variety of options to high school pupils by encouraging and enabling secondary pupils to enroll full time or part time in nonsectarian courses or programs in eligible post-secondary institutions, as defined in subdivision 3.

Subd. 3. **Eligible post-secondary institutions.** For purposes of this section, an "eligible institution" means a Minnesota public post-secondary institution or a

private, residential, four-year, liberal arts, degree-granting college or university located in Minnesota.

Subd. 4. **Authorization; notification.** Notwithstanding any other law to the contrary, an 11th or 12th grade pupil may apply to an eligible institution, as defined in subdivision 3, to allow the pupil to enroll in nonsectarian courses or programs offered at that post-secondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school district, and the commissioner of education within ten days of acceptance. The notice shall indicate the course or programs and hours of enrollment of that pupil.

Subd. 5. **Credits.** A school district shall grant academic credit to a pupil enrolled in a course or program under this section if the pupil successfully completes the course or program attended. If no comparable course or program is offered by the district, the state board of education shall determine the number of credits that shall be granted to a pupil who successfully completes and passes the course or program. If a comparable course or program is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course or program, the pupil may appeal the school board's decision to the state board of education. The state board's decision regarding the number of credits shall be final.

The credits granted to a pupil shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course or program and credits granted shall be included in the pupil's secondary school record.

Subd. 6. **Financial arrangements.** At the end of each school year, the department of education shall pay the tuition reimbursement amount within 30 days to the post-secondary institutions that enroll pupils under this section. The amount of tuition reimbursement shall equal the lesser of:

(1) the actual costs of tuition, textbooks, materials, and fees directly related to the course or program charged for the secondary pupil enrolling in a course or program under this section; or

(2) an amount equal to the difference between the formula allowance plus the total tier revenue attributable to that pupil and an amount computed by multiplying the formula allowance plus the total tier revenue attributable to that pupil by a ratio. The ratio to be used is the total number of hours that the pupil is enrolled in courses in the secondary school during the regular school year over the total number of secondary instructional hours per pupil in that pupil's resident district.

The amount paid for each pupil shall be subtracted from the foundation aid paid to the pupil's resident district. If the amount to be subtracted is greater than the amount of foundation aid due the district, the excess reduction shall be made from other state aids due to the district.

Subd. 7. **Fees; textbooks; materials.** A post-secondary institution that receives reimbursement for a pupil under subdivision 6 may not charge that pupil for fees, textbooks, materials, or other necessary costs of the course or program in which the pupil is enrolled if the charge would be prohibited under section 120.74, except for equipment purchased by the pupil that becomes the property of the pupil.

Subd. 8. **Transportation.** A parent or guardian of a pupil attending a post-secondary institution under this section may apply to the pupil's district of residence for reimbursement for transporting the pupil between the secondary school in which the pupil is enrolled and the post-secondary institution that the pupil attends. The state

board of education shall establish guidelines for providing state aid to districts to reimburse the parent or guardian for the necessary transportation costs, which shall be based on financial need. The state shall pay aid to the district according to the guidelines established under this subdivision. Chapter 14 does not apply to the guidelines.

**Subd. 9. Exception; intermediate districts.** A secondary pupil who is a resident of a member district of an intermediate district, as defined in section 136C.02, subdivision 7, may not enroll in that intermediate district's vocational program as a post-secondary pupil under this section.

**Subd. 10. Limit; state obligation.** The provisions of subdivisions 6, 7, 8, and 9 shall not apply for any post-secondary courses or programs in which a pupil is enrolled in addition to being enrolled full time in that pupil's district.

**History:** *1Sp1985 c 12 art 5 s 1; 1Sp1985 c 16 art 2 s 32*

### **123.36 SCHOOLHOUSES AND SITES, ACCESS BY PERSONS FOR NON-CURRICULAR PURPOSES, INDEPENDENT SCHOOL DISTRICTS.**

Subdivision 1. When funds are available therefor, the board may locate and acquire necessary sites of schoolhouses or enlargements, or additions to existing schoolhouse sites by lease, purchase or condemnation under the right of eminent domain; it may erect schoolhouses thereon; it may erect or purchase garages for district-owned school buses. When property is taken by eminent domain by authority of this subdivision when needed by the school district for such purposes, the fact that the property so needed has been acquired by the owner under the power of eminent domain or is already devoted to public use, shall not prevent its acquisition by the school district. The board may sell or exchange schoolhouses or sites, and execute deeds of conveyance thereof.

*[For text of subds 2 to 4, see M.S.1984]*

**Subd. 4a. Water pipes.** The board shall require that all schools in the district which have lead solder pipe joints shall flush their pipes and faucets to ensure that any potable water which may contain lead which exceeds the safe drinking water levels, as established by the state health department, be flushed out of the school's potable water system. Until the state department of health determines guidelines for frequency of flushing under this subdivision, at a minimum, each school with lead solder pipe joints shall flush its pipes carrying potable water at least once each year immediately prior to the commencement of the regular school year, or after any period in excess of two weeks during which the school building is not in use.

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

**History:** *1985 c 279 s 1; 1Sp1985 c 12 art 7 s 14*

### **123.39 INDEPENDENT SCHOOL DISTRICTS, TRANSPORTATION.**

*[For text of subds 1 to 8c, see M.S.1984]*

**Subd. 8d.** School districts may provide bus transportation along regular school bus routes when space is available for participants in early childhood family education programs if these services do not result in an increase in the district's expenditures for transportation. The costs allocated to these services, as determined

by generally accepted accounting principles, shall be considered part of the authorized cost for regular transportation for the purposes of section 124.225.

*[For text of subds 9 to 13, see M.S.1984]*

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

## **123.58 EDUCATIONAL COOPERATIVE SERVICE UNITS.**

*[For text of subds 1 to 10, see M.S.1984]*

Subd. 11. **Annual meeting.** Each ECSU shall conduct a meeting at least annually for districts that have entered into an agreement under section 471.59 and for districts cooperatively offering educational services to elementary and secondary pupils within the area served by the ECSU. The purpose of the meeting shall be to discuss issues of mutual concern and to facilitate coordination and cooperation in providing educational opportunities. The governing board formed under each cooperative agreement or each school board participating in a cooperative program, for programs having no governing board, shall designate at least one person to attend this meeting.

**History:** 1Sp1985 c 12 art 7 s 15

## **123.702 SCHOOL BOARD RESPONSIBILITIES.**

Subdivision 1. Every school board shall provide for a voluntary program of early childhood health and developmental screening for children once before entering kindergarten. This screening program shall be established either by one board, by two or more boards acting in cooperation, by educational cooperative service units, by early childhood family education programs, or by other existing programs. No school board may make this screening examination a mandatory prerequisite to enroll a student. The school districts are encouraged to reduce the costs of preschool health screening programs by utilizing volunteers in implementing the program.

*[For text of subds 1a to 7, see M.S.1984]*

**History:** 1Sp1985 c 12 art 6 s 2

## **123.705 HEALTH SCREENING AID.**

Subdivision 1. **Aid amounts.** The department of education shall pay each school district for the cost of screening services provided pursuant to sections 123.701 to 123.705. The payment shall not exceed \$15.60 per child screened in fiscal year 1985, \$16.15 per child screened in fiscal year 1986 and \$8.15 per child screened in fiscal year 1987.

Subd. 2. *[Repealed, 1Sp1985 c 12 art 6 s 31]*

**History:** 1Sp1985 c 12 art 6 s 3

## **123.741 PLANNING, EVALUATION, AND REPORTING PROCESS.**

*[For text of subds 1 to 5, see M.S.1984]*

Subd. 6. **Report.** By September 1 of each year, the school board shall adopt a report which shall include the following:

(a) annual instructional goals which were addressed for that year in the planning, evaluation, and reporting process;

- (b) appropriate evaluation of the annual instructional goals;
- (c) the results of the professional staff evaluation including local assessment data obtained pursuant to section 123.742, subdivision 2, and any additional appropriate test data;
- (d) the results of the consumer evaluation;
- (e) the annual school district improvement plans; and
- (f) a plan for implementing an assurance of mastery program.

Every other year the report shall include an evaluation of the assessment programs pursuant to subdivision 7.

The school board shall disseminate the report to all residents of the district by publication in the local newspaper with the largest circulation in the district, by newsletter, or through the United States postal service. The report shall be on file and available for inspection by the public. A copy of the report which is disseminated to the community shall be sent to the commissioner of education by September 1 of each year. The school board shall provide a copy of the commissioner's response to the report to the curriculum advisory committee. All activities and reports pursuant to this section shall comply with chapter 13, and any other law governing data on individuals in school districts.

**Subd. 7. Biennial evaluation; assessment program.** At least once every two years the school board shall evaluate the testing programs, using the following criteria:

- (a) written objectives of the testing programs;
- (b) names of tests and grade levels tested;
- (c) utilization of test results; and
- (d) implementation of assurance of mastery program.

**History:** *1Sp1985 c 12 art 8 s 5,6*

## **123.742 ASSISTANCE TO LOCAL SCHOOL DISTRICTS; ASSESSMENT PROGRAMS.**

**Subdivision 1. Technical assistance.** Insofar as possible, the department of education and educational cooperative service units shall make technical assistance for planning and evaluation available to school districts. The department shall collect the annual evaluation reports from districts as provided in section 123.741, subdivision 5, and shall make these data available upon request to any district seeking to use it for comparisons of pupil performance. If requested, the department of education shall provide technical assistance to a district developing assurance of mastery programs, achievement testing programs, competency testing programs, or other methods of measuring group or individual pupil progress.

**Subd. 1a. State curriculum advisory committee; legislative report.** The commissioner shall appoint an 11-member state curriculum advisory committee to advise the state board and the department on the planning, evaluation, and reporting process. The committee shall consist of nine members, one appointed from each educational cooperative service unit, and two at-large members. The committee shall include representation from the state board of education, parents, teachers, administrators, and school board members. Each member shall be a present or past member of a school district curriculum advisory committee. The committee shall provide information and recommendations on at least the following:

- (1) department procedures for approving reports and disseminating information;
- (2) exemplary planning, evaluation, and reporting processes; and

(3) recommendations for improving the planning, evaluation, and reporting process.

By January 1 of each year, the commissioner shall prepare a report for the education committees of the legislature on the planning, evaluation, and reporting program, which shall include the recommendations of the state curriculum advisory committee.

*[For text of subd 2, see M.S.1984]*

**Subd. 2a. District assessments.** As part of the planning, evaluation, and reporting process, each year a district shall, in at least three grades, conduct assessments among at least a sample of pupils in two curriculum areas. One curriculum area shall be communication, mathematics, science, or social studies. The second area shall be selected by the district. Assessments may not be conducted in the same curriculum area during two consecutive years. The district may use tests from the assessment item bank, the local assessment option developed by the department, or other tests.

**Subd. 3. Participation in statewide assessment program.** Each district shall participate in the statewide assessment sampling process at least once every three years to provide normative data. Each year the department shall determine which districts shall participate and which curriculum areas shall be assessed.

**Subd. 3a. Assurance of mastery.** Each school board shall adopt a policy establishing a process to assure individual pupil mastery in communications and mathematics. This process shall include at least the following:

(1) procedures, which may include multiple or separate criteria, for the evaluation and identification of nonspecial education pupils and pupils with limited English proficiency who are not making sufficient progress in the mastery of communications and mathematics;

(2) procedures for implementation in grades kindergarten to 12, beginning in the 1986-1987 school year, and requiring evaluation of progress toward mastery at least once during grades K to 3, once during grades 4 to 6, once during grades 7 to 9, and once during grades 10 to 12;

(3) procedures for parent conferences to establish an individualized remediation or modified instruction plan for each pupil who is not making sufficient progress toward mastery of communication or mathematic skills; and

(4) procedures which shall consider and address the special needs of handicapped pupils and pupils with limited English proficiency.

**Subd. 4. Needs of handicapped pupils.** School boards are encouraged to consider the needs of handicapped students in determining the extent of their participation in the assessment programs in subdivisions 2a and 3. The district policy may provide for modifications in the testing procedures for handicapped students.

**Subd. 5. Assessment item bank.** The department shall maintain an assessment item bank to provide assessment programs that are tailored to specific educational objectives of an individual school or district. The department shall develop an item bank for at least two curriculum areas each year. The department shall develop and maintain an item bank for at least ten different curriculum areas.

**Subd. 5a. Additional tests.** The department shall maintain additional tests for at least three grade levels. The tests shall be designed to measure the progress of individual pupils toward the core curriculum areas of communications, mathematics, science, and social studies. The department shall make the tests available for a

district to use, at the option of the district, as a part of the department's local assessment program.

Subd. 5b. **Phase-in of item bank development.** The department of education shall add two curricular areas to the item bank each year. The first curricular areas to be completed are communication, mathematics, science, and social studies.

*[For text of subds 6 to 8, see M.S.1984]*

Subd. 9. **Model learner expectations.** The department shall develop and maintain sets of model learner expectations. The department shall make the expectations available for a district, for assistance purposes, to use at the option of the district. The expectations shall be for pupils in kindergarten to grade 12 in at least the core curriculum areas of communication, mathematics, science, and social studies. The department shall consult with each of the public post-secondary educational systems and with the higher education coordinating board in developing model learner expectations appropriate for entrance into post-secondary institutions.

**History:** *1Sp1985 c 12 art 8 s 7-15,45*

NOTE: Subdivision 2 is repealed by Laws 1985, First Special Session chapter 12, article 8, section 65 effective June 30, 1986.

NOTE: Subdivision 2a, as added by Laws 1985, First Special Session chapter 12, article 8, section 9, is effective for the 1986-1987 school year and thereafter. See Laws 1985, First Special Session chapter 12, article 8, section 66.

NOTE: Subdivision 5a, as added by Laws 1985, First Special Session chapter 12 article 8, section 14, is effective for the 1987-1988 school year and thereafter. See Laws 1985, First Special Session chapter 12, article 8, section 66 as amended by Laws 1985, First Special Session chapter 16, article 2, section 34, subdivision 1.

NOTE: Subdivision 5b is repealed by Laws 1985, First Special Session chapter 12, article 8, section 65 effective June 30, 1987.

### **123.7431 AID FOR PLANNING, EVALUATION, AND REPORTING PROCESS.**

Subdivision 1. **Eligibility.** Each school district which completes the planning, evaluation, and reporting process pursuant to the requirements of sections 123.741 and 123.742 and which receives approval from the commissioner of education is eligible to receive state aid each year. An eligible school district shall receive \$1 times the number of pupils in average daily membership for the prior school year. No district which is eligible for aid shall receive less than \$1,500.

Subd. 2. **Payment of aid.** The department of education shall pay aid to a district within 30 days of approving the district's planning, evaluation, and reporting process. However, no aid may be paid prior to July 1 in any calendar year.

**History:** *1Sp1985 c 12 art 8 s 16*

### **123.75 MISSING CHILDREN; VOLUNTARY FINGERPRINTING PROGRAMS.**

Subdivision 1. **Definition.** For purposes of this section:

(a) "child" means a person under 18 years old; and

(b) "missing child" means a child who has run away or is otherwise missing from the home or the care, custody, and control of his or her parents, guardian, legal custodian, or other person having responsibility for the child.

Subd. 2. **Authority.** Each school district may develop a fingerprinting program for pupils and children who reside in the district. The principal or chief administrative officer of a nonpublic school may develop a fingerprinting program for pupils of the school. If developed, the program must be developed in conjunction with law enforcement agencies having jurisdiction within the school district or the place where the nonpublic school is located. The law enforcement agencies must cooperate fully with the school district or the nonpublic school in the development of its fingerprinting program.

Subd. 3. **Limitations and procedures.** If developed, the fingerprinting program may be developed only for the purpose of assisting in the location and identification of missing children, and must be operated according to the following procedures:

(a) No child may be required to participate in the program.

(b) Before a child may participate in the program, the child's parents, guardian, legal custodian, or other person responsible for the child must authorize the child's participation by signing a form developed by the school district or the principal or chief administrative officer of the nonpublic school.

(c) Fingerprinting of children must be done by law enforcement personnel on fingerprint cards provided to the school district or nonpublic school by the commissioner of public safety or on fingerprint cards acquired elsewhere.

(d) The school must give the fingerprint card to the child's parents, guardian, legal custodian, or other person responsible for the child. No copy of the fingerprint card may be retained by the law enforcement agency, school, or school district.

(e) The child's name, sex, hair and eye color, height, weight, and date and place of birth must be written on the fingerprint card.

School districts and nonpublic schools that develop fingerprinting programs under this section shall offer them on a periodic basis, and shall notify parents, guardians, legal custodians, and residents of the district or communities served by the school of the program and its purpose. Notification may be made by means of memoranda, letters, newspaper articles, or other reasonable means.

Subd. 4. **Evidentiary use of fingerprints.** Fingerprints of a child obtained pursuant to this section are inadmissible as evidence against the child in any criminal or juvenile court proceeding.

Subd. 5. **Other fingerprinting programs unaffected.** This section does not apply to fingerprinting programs for children that are provided by private organizations other than nonpublic schools, or governmental entities other than school districts.

**History:** 1Sp1985 c 12 art 7 s 16

## 123.80 SAFETY EDUCATION FOR TRANSPORTED STUDENTS.

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

Subd. 2. [Repealed, 1Sp1985 c 12 art 7 s 33]

Subd. 3. [Repealed, 1Sp1985 c 12 art 7 s 33]

## 123.935 PROVISION OF PUPIL SUPPORT SERVICES.

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

Subd. 7. **Nonpublic advisory committee.** By September 1, 1985, the commissioner shall appoint a 15-member advisory committee on nonpublic schools. The 15 members shall be representative of the various areas of the state and shall be knowledgeable about nonpublic schools. The compensation, removal of members, filling of vacancies, terms and committee expiration date are governed by section 15.059. The committee shall advise the commissioner and the state board on nonpublic school matters under this section, and when requested by the commissioner or the state board, on other nonpublic school matters.

**History:** 1Sp1985 c 12 art 7 s 17