

CHAPTER 136C

POST-SECONDARY VOCATIONAL EDUCATION

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136C.02 DEFINITIONS.

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

Subd. 6. **District.** "District" means a school district providing post-secondary vocational education, an intermediate district, or a joint district.

[For text of subd 7, see M.S.1984]

Subd. 8. **School board.** "School board" means the school board of a district, the board of an intermediate district, or the board of a joint district.

Subd. 9. **Joint district.** "Joint district" means a joint vocational technical district established under section 136C.60.

History: 1985 c 23 s 1-3

136C.04 POWERS AND DUTIES OF THE STATE BOARD.

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

Subd. 4a. **Carry-over authority.** The state board may carry over any unexpended balance from its appropriation from the first year of a biennium into the second year of the biennium. The state board may carry over any unexpended balance into the following biennium. The amounts carried over must not be taken into account in determining state appropriations and must not be deducted from a later appropriation.

[For text of subds 5 to 8, see M.S.1984]

Subd. 9. **Licensure.** The state board may promulgate rules, according to the provisions of chapter 14, for licensure of teaching, support, and supervisory personnel in post-secondary and adult vocational education. The state board may adopt emergency licensure rules, according to sections 14.29 to 14.36, when necessary for continuous programs approved by the board and when the board determines that appropriate licensure standards do not exist.

[For text of subds 10 and 11, see M.S.1984]

Subd. 12. **Programs.** The state board shall approve, disapprove, and coordinate programs. The state board shall adopt policies that include at least minimum class sizes and placement ratios. After consultation with affected school boards, the

state board may add, eliminate, transfer, or change programs as it determines advisable. The state board shall consider the integrated services of secondary, post-secondary, and adult vocational education when it reviews intermediate district programs.

In the case of intermediate districts, the state board may apply the following criteria when adding, eliminating, transferring, or changing programs:

(a) the school board may be allowed to continue offering integrated secondary, post-secondary, and adult programs; and

(b) the school board may determine the use of facilities and equipment for secondary, post-secondary, adult, and special education programs and educational services for low incidence populations.

[For text of subds 13 and 14, see M.S.1984]

Subd. 15. Public hearings. The state board shall conduct public hearings when merging or reorganizing institutions. Notice shall be given to affected persons in the manner determined by the state board. All affected persons shall be given the opportunity to be heard, but the state board may impose reasonable restrictions on time. The state board shall take final action at a meeting held at least seven days after the public hearing.

[For text of subds 16 and 17, see M.S.1984]

Subd. 18. Computer sales and maintenance. The state board of vocational technical education may sell computers and related products to its staff and students to advance their instructional and research abilities. The board shall contract with a private vendor for service, maintenance, and support for computers and related products sold by the board.

History: 1985 c 122 s 3,4; 1Sp1985 c 11 s 50-52

136C.042 AWARDING DEGREES.

Subdivision 1. Board approval. The state board may approve, disapprove, or modify a plan for awarding associate degrees at an area vocational technical institute. The plan shall include cooperation with a collegiate institution unless cooperation is not practicable. All associate degree plans approved by the state board shall be presented to the higher education coordinating board for review and recommendation pursuant to section 136A.04, subdivision 1, clause (d) and in accordance with the provisions of this section.

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

History: 1985 c 122 s 5

136C.06 SOLE STATE AGENCY.

The state board of vocational technical education is the sole state agency to receive and disburse federal funds authorized by the Vocational Education Act of 1963, as amended in the education amendments of 1976, Public Law Number 94-482, and Code of Federal Regulations, title 34, part 400. The state board shall develop and submit the state plan for vocational technical education. The state board shall develop the state plan according to terms of agreement with the state board of education. Before developing and submitting the state plan, the state board shall consult with the full productivity and opportunity coordinator. The state

board shall submit the state plan to the full productivity and opportunity coordinator for use in developing a biennial statewide employment and training plan.

History: 1Sp1985 c 14 art 9 s 9

136C.07 AREA VOCATIONAL TECHNICAL SCHOOLS.

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

Subd. 5a. **Review of capital improvements.** A school board, as defined in section 136C.02, subdivision 8, must not award final contracts for capital improvements until the state director has reviewed the final plans, specifications, and cost estimates and made recommendations on them.

[For text of subds 6 and 7, see M.S.1984]

History: 1Sp1985 c 11 s 53

136C.08 BOARD POWER TO REGULATE TRAFFIC.

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

Subd. 2. Any fee established by the board pursuant to the authority granted in subdivision 1 shall not exceed \$1 per day per vehicle. Parking fees collected shall be deposited in the general or repair and betterment fund of the school district or joint school district.

[For text of subds 3 and 4, see M.S.1984]

History: 1Sp1985 c 11 s 54

136C.13 POST-SECONDARY VOCATIONAL EDUCATION TUITION.

[For text of subds 1 and 2, see M.S.1984]

Subd. 3. **Veteran's exemption.** A veteran enrolled in a tuition free AVTI program before July 1, 1985, who is a Minnesota resident whose entire education has not included completion of at least one tuition free post-secondary vocational technical school program is exempt from tuition until the veteran has completed the lesser of (a) 440 post-secondary vocational technical school days, or the equivalent as determined by the state board, or (b) one post-secondary vocational technical school program.

"Veteran" for the purpose of this subdivision means a person who served in the active military service in any branch of the armed forces of the United States after July 1, 1961 and before July 1, 1978, was a Minnesota resident at the time of induction into the armed forces and for the six months immediately preceding induction, and has been separated or discharged from active military service under conditions other than dishonorable.

Subd. 4. **Vietnam veteran's exemption.** A Vietnam veteran who enrolls in a tuition free AVTI program before July 1, 1990, and who is a Minnesota resident whose entire education has not included completion of at least one tuition free post-secondary vocational technical school program is exempt from tuition until the veteran has completed the lesser of (a) 440 post-secondary vocational technical school days, or the equivalent as determined by the state board, or (b) one post-secondary vocational technical school program.

"Vietnam veteran" for the purpose of this subdivision means a person who served in the active military service in any branch of the armed forces of the United

States after July 1, 1961, and before July 1, 1978, and who became eligible for the Vietnam Expeditionary Medal or the Vietnam Service Medal as a result of the service, was a Minnesota resident at the time of induction into the armed forces and for the six months immediately preceding induction, and has been separated or discharged from active military service under conditions other than dishonorable.

History: *1Sp1985 c 11 s 55,56*

136C.26 VOCATIONAL AID DEFINITIONS.

Subdivision 1. **Applicability.** For the purposes of sections 136C.26 to 136C.37, and 136C.41, the following terms have the meanings given them.

Subd. 2. [Repealed, *1Sp1985 c 11 s 81*]

[For text of subd 3, see M.S.1984]

Subd. 4. **Component activities.** "Component activities" means regular instruction, special needs instruction, part-time instruction, research, instructional administration, media/library, student personnel services, health services, director's office, instructional services, fixed costs, work study, financial aid, physical plant, and repair and betterment.

Subd. 5. **Instructional aid.** "Instructional aid" means state money, exclusive of debt service aid, allocated by the state board of vocational technical education to districts for post-secondary and part-time vocational technical education instructional costs.

[For text of subds 6 and 7, see M.S.1984]

Subd. 8. [Repealed, *1Sp1985 c 11 s 81*]

[For text of subd 9, see M.S.1984]

History: *1985 c 122 s 6, 10; 1Sp1985 c 11 s 57-59*

136C.27 PROGRAMS OF STUDY.

Subdivision 1. [Repealed, *1985 c 122 s 11*]

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

136C.28 PROCESS FOR AID ALLOCATION.

Subdivision 1. **Budget submission.** Before January 1 each AVTI shall submit an instructional aid budget for the following fiscal year. The instructional aid budget shall detail estimated instructional costs in each expenditure category for each program and component activity of the AVTI's operations. The instructional aid budget shall include estimated revenues from sale of supplies and services, sale of equipment and other capital goods, and other revenues, detailed according to UFARS.

Subd. 2. **Recommended allocations.** After reviewing each budget, the state director shall recommend aid allocations to the state board for the following fiscal year.

The state director shall recommend instructional aid allocations sufficient to maintain or improve special needs instruction.

Each AVTI's tuition revenue in the fiscal year for which aid is allocated shall be taken into consideration by the state director in recommending instructional aid allocations.

Each AVTI's unappropriated balance of the equipment expenditure fund, as of June 30 of the fiscal year during which allocations are made, shall be taken into consideration by the state director in recommending instructional aid allocations for the purposes listed in section 136C.29, subdivision 3, clauses (a), (b), (c), and (d). In recommending instructional aid allocations for all other purposes, the state director shall take into consideration each AVTI's net positive unappropriated general fund balance, as of June 30 of the fiscal year during which allocations are made, which exceeds ten percent of the AVTI's operating expenditures, as defined by UFARS, for the fiscal year during which allocations are made.

In recommending repair and betterment aid allocations, the state director shall take into consideration each AVTI's net positive unappropriated balance of the repair and betterment fund, as of June 30 of the fiscal year during which allocations are made. The recommendations must follow procedures for aid allocations set by the state board.

Subd. 3. [Repealed, 1Sp1985 c 11 s 81]

Subd. 4. [Repealed, 1Sp1985 c 11 s 81]

Subd. 5. [Repealed, 1Sp1985 c 11 s 81]

Subd. 6. [Repealed, 1Sp1985 c 11 s 81]

Subd. 7. [Repealed, 1Sp1985 c 11 s 81]

History: 1985 c 122 s 7; 1Sp1985 c 11 s 60

136C.29 USE OF AID.

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

Subd. 5. **Repair and betterment aid.** The final allocation of repair and betterment aid by the state board does not constitute approval of a project for the purposes of section 136C.07, subdivision 5. The aid shall be placed in the repair and betterment fund and used solely for the purposes of reconstructing, improving, remodeling, and repairing existing AVTI buildings and grounds. The school board shall authorize and approve actual expenditures of the aid allocated, except that expenditures which exceed \$5,000 shall receive prior approval by the state director. The process in section 136C.28 shall not constitute approval for this purpose. Use of the aid shall be governed by the provisions of section 136C.07, subdivision 5.

History: 1Sp1985 c 11 s 61

136C.31 DISTRIBUTION OF MONEY.

Subdivision 1. **Allocate by law.** All money, whether state, federal, or from other sources, which may be made available to the state board for carrying out the purposes of post-secondary vocational technical education shall be allocated by the state board to districts in accordance with law.

Subd. 2. **No contract approval.** State and federal aids and discretionary or entitlement grants distributed by the state board are not subject to chapter 16B or to the contract approval procedures of the commissioner of administration. The state board shall adopt internal procedures to administer and monitor aids and grants.

History: 1985 c 122 s 8

136C.33 AVERAGE DAILY MEMBERSHIP.

Subdivision 1. **Membership.** Membership for students in AVTI's shall mean the number of students on the current roll of the school, counted from the date of entry until the date of withdrawal, according to policies adopted by the state board.

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

Subd. 3. [Repealed, 1Sp1985 c 11 s 81]

Subd. 4. [Repealed, 1Sp1985 c 11 s 81]

History: 1Sp1985 c 11 s 62

136C.34 ABSENCE FOR CHEMICAL ABUSE TREATMENT.

If a student is absent from an AVTI to participate in a chemical abuse treatment program licensed by the state, the student may request the AVTI to remain on the roll in the educational program in which the student is enrolled, according to policies adopted by the state board. The AVTI shall grant a request it receives from the student.

History: 1Sp1985 c 11 s 63

136C.36 PAYMENT OF AVTI INSTRUCTIONAL AID.

Eighty-five percent of the estimated post-secondary vocational instructional aid entitlement for each district shall be paid during the fiscal year of entitlement in 11 uniform monthly payments from July to May.

The amount of entitlement, adjusted for actual data, minus the payments made during the fiscal year of entitlement, shall be the final adjustment paid to each district on the first business day of July in the fiscal year following entitlement.

History: 1Sp1985 c 11 s 64

136C.37 [Repealed, 1Sp1985 c 11 s 81]

136C.38 [Repealed, 1Sp1985 c 11 s 81]

136C.41 DEBT SERVICE AID.

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

Subd. 1a. (a) For joint vocational technical districts formed under sections 136C.60 to 136C.69 in which the joint district holds the title to the AVTI, the state portion of debt service costs is the entire amount necessary to make payments due for each school year ending June 30 with respect to qualifying bonds issued to finance post-secondary vocational facilities and interest thereon, reduced by the lesser of:

- (1) the local share of all principal, interest, and redemption premiums; or
- (2) the amount escrowed for debt service under section 136C.69, subdivision 2.

(b) The state portion of debt service costs must not be less than what would have been paid under subdivision 1. For the purpose of this subdivision, qualifying bonds include the same bonds described as qualifying bonds in subdivision 1.

[For text of subds 2 to 7, see M.S.1984]

History: 1985 c 23 s 4

136C.43 VOCATIONAL TECHNICAL BUILDING BONDS.*[For text of subds 1 to 5, see M.S.1984]*

Subd. 6. **Tax levy.** On or before December 1 in each year, if the full amount appropriated to the bond account in subdivision 5 has not been credited thereto, the tax required by the Constitution shall be levied upon all taxable property within the state. This tax shall be subject to no limitation of rate or amount until all vocational technical building bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is not sufficient money from the proceeds of such taxes to pay the principal and interest when due on vocational technical building bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated.

History: *1Sp1985 c 14 art 4 s 26*

136C.44 VOCATIONAL TECHNICAL BUILDING APPROPRIATIONS.

Money appropriated from the state building fund to the state board of vocational technical education for post-secondary vocational technical construction in school districts shall be used for grants to school districts for the acquisition and betterment of land, buildings, and capital improvements for area vocational technical institutes. These grants shall only be made upon the conditions and in accordance with all standards and criteria established in state board rules and in the legislative act authorizing the specific post-secondary vocational facilities project. A grant shall cover 85 percent of the cost of the post-secondary vocational facilities authorized by the specific legislative act, and 15 percent of the cost of these facilities shall be financed by the school district operating the post-secondary vocational technical school, unless otherwise provided by the specific legislative act. A grant to a joint vocational technical district formed under sections 136C.60 to 136C.69 must cover 100 percent of the cost, unless otherwise provided by the specific legislative act. No local bonds shall be authorized, issued, or sold, nor shall any election be held to authorize the issuance of bonds, if the proceeds will be used to finance a project for which specific legislative approval is required, until after that specific legislative approval has been given.

History: *1985 c 23 s 5*

136C.50 STATE COUNCIL ON VOCATIONAL TECHNICAL EDUCATION.

Subdivision 1. **State agency purpose.** The state council on vocational technical education, formerly known as the Minnesota state advisory council for vocational education, is a state agency in the executive branch. Its purpose is to implement section 112 of the Carl D. Perkins Vocational Education Act of 1984, United States Code, title 20, section 2322, and other purposes necessary to improve vocational technical education.

Subd. 2. **Members; terms.** The governor shall appoint the members of the council according to United States Code, title 20, section 2322. Except as otherwise provided by that act, members are governed by section 15.0575.

Subd. 3. **Offices.** The commissioner of administration shall provide the council with suitable office space, furnishings, and equipment.

Subd. 4. **Funding.** Federal, state, or private money received by the council must be deposited in the state treasury and credited to a special account for the

council. The council has sole authority to spend its money. The money may not be diverted or reprogrammed by any agency or person to any other purpose. Unless restricted by federal or other state law, the council may carry forward any unexpended balance from one fiscal year to the next and from one fiscal biennium to the next.

Subd. 5. Service contracts. The council may contract for the services it needs to carry out its function. The council may also contract to provide services to other organizations. The contracts are not subject to the contract approval procedures of the commissioner of administration or of chapter 16B.

Subd. 6. Fiscal agent. The state board of vocational technical education shall act as fiscal agent for the council and provide other support services necessary for disbursements, accounting, auditing, and reporting.

Subd. 7. Staff. The council may employ an executive director and other staff needed to carry out its duties. The executive director may be paid an allowance not to exceed \$2,000 annually for miscellaneous expenses in connection with duties of the office. The council may contract with professional, technical, and clerical consultants and interns needed to carry out its functions.

History: 1985 c 162 s 1

136C.60 DISTRICTS MAY FORM JOINT VOCATIONAL TECHNICAL DISTRICT.

Notwithstanding other law, two or more independent school districts each operating an area vocational technical institute may enter into an agreement to establish a joint vocational technical district upon a majority vote of the full membership of each of the boards of the districts entering into the agreement. When resolutions approving the agreement have been adopted by the boards of two or more districts, the resolutions must be filed with the state director of vocational technical education and the commissioner of education. The commissioner shall assign an appropriate identification number as provided in section 122.03.

History: 1985 c 23 s 6

136C.61 GOVERNING BOARD.

Subdivision 1. Members. The district shall be operated by a joint vocational technical board, which shall consist of the number of members from each of the participating school districts specified in the agreement establishing the joint vocational technical district. Board members must be residents of the respective school districts represented and may be members of the school boards of the respective school districts. The first members shall be appointed by their respective school boards. The agreement may provide for election of members to take office at the end of a term of an appointed member. Appointed members serve at the pleasure of their respective school boards and are subject to recall by a majority vote of the appointing board. The election of members is governed by section 123.32. Board members shall report at least quarterly to their appointing boards on the activities of the joint vocational technical district.

Subd. 2. Ex officio member. The director of the joint vocational technical district is an ex officio, nonvoting member of the joint board.

Subd. 3. Terms. The agreement establishing the joint vocational technical district must specify the number of members from each participating district who

will serve an initial one-year term and the number of members from each participating district who will serve an initial two-year term. The appointing board shall designate which of the appointees will serve the one-year term and which of the appointees will serve the two-year term. Terms of office of the members of the joint board expire on June 30. After the initial term, the terms of office of joint board members must be as specified in the agreement. If a vacancy occurs on the joint board, it must be filled by the appropriate school board for the remainder of the unexpired term. A person appointed to the joint board qualifies as a board member by filing with the director of the joint board a written certificate of appointment from the member's appointing board.

Subd. 4. Organizational meetings. The first meeting of the first joint board must be at a time mutually agreed to by the members appointed by the boards of the participating school districts. Thereafter the joint board shall conduct its organizational meeting in July of each year when notified of the meeting by the director of the joint vocational technical district. At the organizational meeting, the officers of the joint vocational technical district for the current year shall be chosen and other necessary organizational business shall be conducted.

Subd. 5. Officers. The officers are a chair, vice-chair, clerk, and treasurer. The chair shall preside at all meetings of the joint board. In the absence of the chair, the vice-chair shall preside. The clerk shall keep a complete record of the minutes of each meeting and the treasurer is the custodian of the funds of the joint vocational technical district. Insofar as applicable, board members and officers of the joint vocational technical district are governed by the laws relating to board members and officers of independent school districts.

Subd. 6. Quorum. A majority of the joint board is a quorum, although a smaller number may adjourn.

History: 1985 c 23 s 7

136C.62 POWERS AND DUTIES.

Subdivision 1. In general. The joint board has the powers and duties specified in section 136C.05 and other powers specified by law for the board of an independent school district, except that a joint board may levy only according to sections 136C.67, 136C.69, and 275.125, subdivision 14a.

Subd. 2. Provision of facilities and services. The duty and the function of the joint board is to furnish post-secondary and adult vocational education. The joint board may also provide other secondary educational programs or secondary services requested by a participating district. Secondary offerings may be provided only under the direction of properly licensed personnel.

Subd. 3. Finance. The joint board shall provide for the conduct of the schools, payment of indebtedness, and payment of other proper expenses of the district.

Subd. 4. Contracts. The joint board shall employ and contract with necessary qualified teachers and administrators and may discharge them under section 125.12. The joint board may employ and discharge other necessary employees and may contract for the purchase or sale of educational and other services the joint board considers necessary.

History: 1985 c 23 s 8

136C.63 LEGAL STATUS OF JOINT BOARD.

Subdivision 1. Public agency. The joint board is a public agency and may receive and spend private, federal, and state money made available to it.

Subd. 2. **Liability.** A participating school district has no liability for the debts or obligations of the joint vocational technical district. An individual serving as a member of the joint board has no individual liability for those debts or obligations.

Subd. 3. **Applicable laws.** Except as specifically provided to the contrary, the organization, operation, maintenance, and conduct of the affairs of the joint vocational technical district are governed by the general laws relating to independent school districts.

History: 1985 c 23 s 9

136C.64 TEACHERS.

Subdivision 1. **Assignment.** (a) When an independent school district becomes a member of the joint vocational technical district, a teacher, as defined in section 125.12, subdivision 1, employed by a member district and primarily assigned as a post-secondary or adult vocational education teacher there, shall be assigned to and become an employee of the joint vocational technical district without further rights to employment in the member district, except that, for a period of two years from the date of assignment, teaching vacancies in the member district from which the teacher was assigned must be offered to the teacher assigned to the joint vocational technical district if:

(1) the teacher was placed on unrequested leave of absence by the joint vocational technical district;

(2) the teacher is properly licensed for the position; and

(3) a transfer or assignment from a post-secondary or adult vocational position to a secondary position would have been authorized in the member district under the contract in effect at the time of that teacher's assignment to the joint vocational technical district.

(b) A teacher who has previously been placed on unrequested leave of absence from a post-secondary or adult vocational education position by an independent school district that becomes a member of the joint vocational technical district only has reinstatement rights to an available post-secondary or adult vocational position in the joint vocational technical district and has no further rights to reinstatement to any post-secondary or adult vocational position in the member district. This reassignment of employment rights is not a leaving of employment for eligibility for payments under section 465.72 or under a policy or contract based on that section.

Subd. 2. **Exclusive representative.** The employee organization certified as the exclusive representative for the teachers in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those teachers until that organization is decertified or another organization is certified in its place under this subdivision. After the commissioner assigns an identification number to the joint vocational technical district, any employee organization may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. For purposes of certification of an exclusive representative, the teachers assigned to the joint vocational technical district are an appropriate unit of employees.

Subd. 3. **Bargaining agreement.** (a) The terms and conditions of employment of teachers assigned to the new joint vocational technical district from each member district will be temporarily governed by the contract executed by the exclusive bargaining representative and that particular member district until a successor contract is executed between the board of the joint vocational technical district and the new exclusive bargaining representative.

(b) The date of first employment in the new joint vocational technical district is the date on which services were first performed by the teacher in the member school district from which assigned. Accumulations of sick leave and accumulated years of service to determine eligibility for any severance pay or early retirement benefits must be credited to each employee, subject to any maximum accumulation limitations negotiated in the successor contract. The joint vocational technical board shall provide, to transferred teachers, open enrollment in all insurance plans with no limitation on preexisting conditions. The successor contract must contain a negotiated plan for the placement of teachers on unrequested leave of absence in the joint vocational technical district.

Subd. 4. **Applicable law.** Except as provided in this section, section 125.12 applies to the employment of each teacher by the joint vocational technical district.

History: 1985 c 23 s 10

136C.65 NONLICENSED EMPLOYEES.

Subdivision 1. **Assignment.** When an independent school district becomes a member of the joint vocational technical district, each nonlicensed employee primarily employed in an AVTI who is transferred to the joint vocational technical district shall be assigned to and become an employee of the joint vocational technical district without further employment rights in the member district, other than, for two years from the date of assignment to the joint vocational technical district, the right to exercise, in the member district, job seniority promotion and job seniority layoff provisions of the contract in effect at the time of that employee's assignment to the joint vocational technical district. This reassignment of employment rights is not a leaving of employment for eligibility for payment under section 465.72 or under a policy or contract based on that section.

Subd. 2. **Exclusive representatives.** After the commissioner assigns an identification number to the joint vocational technical district, any employee organization may petition the director of the bureau of mediation services for a certification election proceeding under chapter 179A. An organization certified as the exclusive representative for nonlicensed employees in a particular member district who are assigned to the joint vocational technical district upon its establishment shall continue as the exclusive representative for those particular employees for a period of 90 days from the date on which the joint vocational technical district is established. If a petition for representation of nonlicensed employees is filed within 90 days, an exclusive representative for those particular nonlicensed employees shall continue as the exclusive representative until bureau of mediation services certification proceedings are concluded.

Subd. 3. **Bargaining agreement.** (a) The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district who were not governed by a collective bargaining agreement at the time of the assignment are governed by joint board policy. The terms and conditions of employment of nonlicensed employees assigned to the joint vocational technical district from each member district will be temporarily governed by contracts executed by an exclusive representative for a period of 90 days from the date of assignment. If a petition for representation of nonlicensed employees is filed with the bureau of mediation services within the 90 days, the contractual terms and conditions of employment for those particular nonlicensed employees who were governed by a preexisting contract will continue until bureau of mediation services proceedings are concluded and, if an exclusive representative has been elected, until successor contracts are executed

between the board of the joint vocational technical district and the new exclusive representative.

(b) The date of first employment in the joint vocational technical district is the date on which services were first performed by the employee in the member school district from which assigned. Any sick leave, vacation time, or severance pay benefits accumulated under policies of a member district or contracts between exclusive representatives and the boards of member districts continue to apply in the new joint vocational technical district to the employee assigned from those member districts, subject to any maximum accumulation limitations negotiated in a successor contract. Future leaves of absence, vacations, or other benefits to be accumulated in the new joint vocational technical district are governed by joint board policy or by contract between an exclusive representative of an appropriate unit of employees and the joint vocational technical board. The joint vocational technical board shall provide, to transferred nonlicensed employees, open enrollment in all insurance plans with no limitation on preexisting conditions.

History: 1985 c 23 s 11

136C.66 TRANSFER OF PROPERTY.

Subdivision 1. **Transfer of title.** When an independent school district becomes a member of the joint vocational technical school district, the member district shall transfer to the joint board title to the AVTI facility in that district and other appropriate equipment, personal property, and related records. The deed transferring the real property may specify that title to the property reverts to the granting school district if the property is no longer used for vocational or technical education purposes. All claims and contract obligations of the member district relating to the AVTI and adult and post-secondary vocational education programs, including claims for unemployment compensation, also transfer to the joint vocational technical district.

Subd. 2. **Debt.** The bonded debt on all property transferred must be paid according to levies for that debt previously made under chapter 475. The obligation of the taxable property in the member district with reference to the payment of that bonded debt is not affected by the transfer.

Subd. 3. **Transfer of funds.** A member district shall transfer all fund balances, excluding the debt redemption fund, in all post-secondary and adult vocational funds to the joint vocational technical district.

Subd. 4. **Transfer not to affect legal action.** The transfer of property, title, and power to govern AVTIs and post-secondary and adult vocational programs does not affect a proceeding of an administrative, civil, or criminal nature pending at the time of the transfer, but the proceeding must be pursued in the name of the joint board. The joint board or its designee, upon application to the appropriate court or agency, shall be substituted as a party to the proceeding.

History: 1985 c 23 s 12

136C.67 TAX LEVIES.

Subdivision 1. **State auditor costs; judgments; insurance.** The joint board may levy upon all taxable property in the joint vocational technical district an amount necessary to pay the joint vocational technical district's obligations for state auditor costs under section 6.62, to pay its obligations for judgments under section 127.05, and to pay its insurance premium costs under section 466.06.

Subd. 2. **Aid anticipation certificates.** The joint board may issue aid anticipation certificates of indebtedness under sections 124.71 to 124.76 and may pledge the full faith and credit of the joint vocational technical district to their payment under section 124.75.

History: 1985 c 23 s 13

136C.68 JOINDER.

Upon approval by the majority vote of its board and the joint board, any other independent school district with an area vocational technical institute may enter into an agreement to become a participant in a joint vocational technical district. An election is not required on this issue. The agreement must be approved by resolution of the school board of the independent district and the joint board. The resolutions must be filed with the state director.

History: 1985 c 23 s 14

136C.69 PAYMENT OBLIGATION.

Subdivision 1. **Agreements with state director.** The state director may enter into agreements with the joint vocational technical district and its member school districts relating to costs of interim staffing and to payments of district service fees to member districts.

Subd. 2. **Payment of debt; transfer; debt service aid.** (a) A member district that has debt outstanding upon an AVTI facility and property that is transferred to the joint vocational technical district shall escrow in its AVTI debt redemption fund the least of:

(1) a sufficient amount to defease the outstanding debt under the terms of the bond agreement;

(2) the minimum amount required by the bond agreement; or

(3) the remaining balance in the AVTI debt redemption fund.

(b) The member district shall transfer the amount to a separate account in its debt redemption fund for payment of the debt. Any remaining balance in the AVTI debt redemption fund may be used as provided in section 123.36, subdivision 13, clauses (2), (3), and (4).

(c) The state board of vocational technical education shall pay 100 percent of the remaining debt service on the AVTI facilities of all member districts that have transferred their AVTI facilities to the board of the joint vocational technical district. If the property reverts to ownership by the member district, the state portion of debt service aid must be paid according to section 136C.41, subdivision 1.

Subd. 4. **Levy.** (a) A member district that has transferred an AVTI facility to the joint board may levy upon all taxable property in the member district, the following:

(1) in the first levy certified after the transfer, 75 percent of the amount of the district's most recent service fee allocation;

(2) in the second levy certified after the transfer, 50 percent of the amount of the district's service fee allocation under clause (1); and

(3) in the third levy certified after the transfer, 25 percent of the amount of the district's service fee allocation under clause (1).

(b) The proceeds of the levy may be placed in the general fund or any other fund of the district. Any unexpended portion of the proceeds so received must not be considered in the net unappropriated fund balance of the member district for the three fiscal years to which the levy is attributable.

History: 1985 c 23 s 15