

CHAPTER 128A

STATE ACADEMIES FOR THE DEAF AND BLIND

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128A.01 LOCATION.

The Minnesota state academy for the deaf and the Minnesota state academy for the blind shall be continued at Faribault, and shall be grouped and classed with the educational institutions of the state.

History: 1976 c 271 s 66; 1985 c 240 s 2

128A.02 STATE BOARD DUTIES AND POWERS.

Subdivision 1. The state board of education is responsible for the control, management and administration of the Minnesota state academy for the deaf and the Minnesota state academy for the blind. At the request of the state board, the department of education shall be responsible for program leadership, program monitoring, and technical assistance at the academies. The department shall assist the state board in the preparation of reports.

Subd. 1a. By July 1, 1986, the academies shall comply with the uniform financial accounting and reporting system under sections 121.90 to 121.917, subject to variances developed by the advisory council and adopted by the state board.

Subd. 2. The state board shall promulgate rules regarding the operation of both academies and the individuals in attendance, and shall perform all duties necessary to provide the most beneficial and least restrictive program of education for each child handicapped by visual disability or hearing impairment.

Subd. 2a. The state board shall develop a two-year plan for the academies and update it annually. The plan shall include at least the following:

- (1) interagency cooperation;
 - (2) financial accounting;
 - (3) cost efficiencies;
 - (4) staff development;
 - (5) program and curriculum development;
 - (6) use of technical assistance from the department;
 - (7) criteria for program and staff evaluation;
 - (8) pupil performance evaluation;
 - (9) follow-up study of graduates;
 - (10) implementation of the requirements of this chapter;
 - (11) communication procedures with districts of pupils attending the academies;
- and
- (12) coordination between the instructional and residential programs.

The state board shall submit the plan and recommendations for improvement to the education committees of the legislature by January 15 of each odd-numbered year.

Subd. 3. The state board may employ central administrative staffs and other personnel as necessary to provide and support programs and services in each academy. The board shall place the position of the residential academy administrator in the unclassified service and may place any other position in the unclassified service if it meets the criteria established in section 43A.08, subdivision 1a. These academies are deemed to be public schools for the purposes of sections 125.03 and 125.04, and all

teachers as defined in those sections who are employed at these academies are subject to the standards of the board of teaching and the state board of education. Instructional supervisory staff shall have appropriate post-secondary credits from a teacher education program for teachers of the deaf or blind and have experience in working with handicapped pupils.

Subd. 3a. All staff employed by the academy for the deaf are required to have sign language communication skills, as applicable. Staff employed by the academy for the blind must be knowledgeable in Braille communication, as applicable. The department of employee relations, in cooperation with the state board, shall develop a statement of necessary qualifications and skills for all staff. An employee hired after August 1, 1985 shall not attain permanent status until the employee is proficient in sign language communication skills or is knowledgeable in Braille communication, as applicable.

Subd. 4. The state board may enter into contracts with other public and private agencies and institutions to provide residential and building maintenance services if it determines that these services could thus be provided in a more efficient and less expensive manner. The state board may also enter into contracts with public and private agencies and institutions, school districts or combinations thereof, and educational cooperative service units to provide supplementary educational instruction and services, including assessments and counseling.

Subd. 5. The state board of education may by agreement with teacher preparing institutions or accredited institutions of higher education arrange for practical experience in the Minnesota academy for the deaf and the Minnesota academy for the blind for practice or student teachers, or for other students engaged in fields of study which prepare professionals to provide special services to handicapped children in school programs, who have completed not less than two years of an approved program in their respective fields. These student trainees shall be provided with appropriate supervision by a teacher licensed by the board of teaching or by a professional licensed or registered in the appropriate field of special services and shall be deemed employees of either academy, as applicable, for purposes of workers' compensation.

Subd. 6. The rules of the state board pursuant to this section shall establish procedures for admission to, including short-term admission, and discharge from the academies, for decisions on a child's program at the academies and for evaluation of the progress of children enrolled in the academies. Discharge procedures must include reasonable notice to the district of residence. These procedures shall guarantee children and their parents appropriate procedural safeguards, including a review of the placement determination made pursuant to sections 120.17 and 128A.05, and the right to participate in educational program decisions. Notwithstanding the provisions of section 14.02, proceedings concerning admission to and discharge from the academies, a child's program at the academies and a child's progress at the academies shall not be deemed to be contested cases subject to sections 14.01 to 14.70 but shall be governed instead by the rules of the state board pursuant to this section.

History: 1975 c 271 s 6; 1976 c 222 s 27; 1976 c 271 s 67; 1977 c 447 art 3 s 10,11; 1977 c 449 s 13; 1978 c 764 s 95,96; 1979 c 334 art 3 s 17; 1982 c 424 s 130; 1982 c 560 s 46; 1985 c 240 s 3

128A.03 ADVISORY COUNCIL.

Subdivision 1. The state board of education shall appoint an advisory council on the Minnesota state academy for the deaf and Minnesota state academy for the blind to advise the board on policies pertaining to the control, management, and administration of these academies.

Subd. 2. The members shall be representative of the various geographic regions of the state, shall include parents or guardians of visually disabled or hearing impaired children, shall include a staff representative of the applicable academy, and shall include two representatives from groups representing the interests of visually disabled or hearing impaired individuals, as applicable. All members shall have knowledge, experience and interest in the problems of visually disabled or hearing impaired children.

Subd. 3. The terms, compensation and removal of council members shall be as provided in section 15.059, subdivisions 2, 3, and 4. The council shall not expire.

History: 1976 c 271 s 68; 1978 c 764 s 97; 1983 c 260 s 28; 1985 c 240 s 4

128A.04 GIFTS AND CONVEYANCES.

The state board of education shall take and hold in trust all lands or other property granted, given, devised, or conveyed to the schools, or to either of them. All moneys and securities so received and all income from this property shall be deposited in the state treasury in compliance with section 16A.275, subject to the order of the state board.

History: 1976 c 271 s 69; 1980 c 509 s 38

128A.05 ATTENDANCE.

Subdivision 1. Any individual who is deaf or hearing impaired is entitled to attend the academy for the deaf if it is determined, pursuant to the provisions of section 120.17, that the nature or severity of the hearing impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the academy would be the least restrictive alternative for that individual. A deaf or hearing impaired child also may be admitted to acquire socialization skills. Short-term admission for skills development is also permitted. Nothing in this subdivision shall be construed as a limitation on the attendance at this academy of children who have other handicaps in addition to being deaf or hearing impaired.

Subd. 2. Any individual who is visually impaired, blind-deaf, or multiple handicapped is entitled to attend the academy for the blind if it is determined, pursuant to the provisions of section 120.17, that the nature or severity of the visual impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the academy would be the least restrictive alternative for that individual. A visually impaired child may be admitted to acquire socialization skills. Short-term admission for skills development is also permitted. Nothing in this subdivision shall be construed as a limitation on the attendance at this academy of children who have other handicaps in addition to being blind or visually impaired.

Subd. 3. Attendance at the academy for the deaf and the academy for the blind is subject to the compulsory attendance provisions of section 120.10 except that attendance may be excused pursuant to that section by the commissioner of education or a designee. Any person failing to comply with the provisions of section 120.10 is subject to the provisions of section 120.12. The superintendent of the applicable academy shall exercise the duties imposed by section 120.12. Attendance at the academy for the deaf or the academy for the blind shall fulfill the mandatory requirements of section 120.17. The academies are subject to sections 127.26 to 127.39.

History: 1976 c 271 s 70; 1985 c 240 s 5; 1986 c 444

128A.06 [Repealed, 1978 c 764 s 143]

128A.07 EXPENSE OF PUPILS.

Any individual attending the school for the deaf or the braille and sight-saving school shall be provided, by the person legally liable for the pupil's support, with sufficient funds to furnish the pupil with proper clothing, postage, and necessary incidental expenses. If the person legally liable for the pupil's support is unable to make these provisions, the county welfare board of the county of which the pupil is a resident shall pay to the superintendent of the pupil's school a sum to be fixed by the commissioner of education pursuant to rules promulgated by the state board. In addition, the school district of residence shall be liable for the actual transportation of the pupil to and from the school.

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Applicants from other states who can benefit by being enrolled may be accepted so long as acceptance does not preclude acceptance of an eligible Minnesota resident. The commissioner of education shall obtain reimbursement from other states for the costs incurred in connection with nonresidents accepted and may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasurer and placed in the general fund.

History: 1976 c 271 s 72; 1977 c 449 s 15; 1986 c 444

128A.08 [Repealed, 1977 c 449 s 23]