

## CHAPTER 136C

## POST-SECONDARY VOCATIONAL EDUCATION

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**136C.01 ESTABLISHMENT.**

A state board of vocational technical education is established to govern post-secondary and adult vocational education.

*History: 1983 c 258 s 57; 1984 c 463 art 5 s 26*

**136C.02 DEFINITIONS.**

Subdivision 1. **Scope.** For the purpose of this chapter, the following terms have the meanings given them.

Subd. 2. **Area vocational technical institute.** "AVTI" means an area vocational technical institute.

Subd. 3. **Post-secondary vocational education.** "Post-secondary vocational education" means post-secondary and adult vocational education.

Subd. 4. **State board.** "State board" means the state board of vocational technical education.

Subd. 5. **State director.** "State director" means the state director of vocational technical education.

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

Subd. 7. **Intermediate district.** "Intermediate district" means a district with a cooperative program which has been established under Laws 1967, chapter 822, as amended; Laws 1969, chapter 775, as amended; and Laws 1969, chapter 1060, as amended, offering integrated services for secondary, post-secondary, and adult students in the areas of vocational education, special education, and other authorized services.

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: 1983 c 258 s 58; 1984 c 463 art 5 s 27; 1985 c 23 s 1-3*

**136C.03 STATE BOARD MEMBERSHIP.**

Subdivision 1. **Composition and selection.** The state board shall consist of 11 members. One shall be from each congressional district, two shall represent the state at large, and one shall be a student to represent the state at large. The members shall be appointed by the governor with the advice and consent of the senate. Ten members shall be selected for their interest in vocational technical education, and consideration shall be given to applicants based on their knowledge of agriculture, business, economic development, industry, labor, and service for the handicapped. The student member shall be a full-time student enrolled in an area vocational technical institute or so enrolled within one year before appointment to the state board. Except for the student member, no member while serving on the state board may be an employee of or receiving compensation from a public or private institution providing post-secondary vocational education.

Subd. 2. **Terms.** The membership terms, compensation, removal of members, and filling of vacancies on the state board shall be as provided in section 15.0575, except that the term of the student member shall be two years.

Subd. 3. **Administration.** The state board shall elect a chair and other officers as it may desire. It shall determine its meeting dates and places. The commissioner of administration shall provide the state board with appropriate offices.

**History:** 1983 c 258 s 59

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

Subdivision 1. **General.** The state board shall possess all powers necessary and incident to the management, jurisdiction, and governance of post-secondary vocational education. These powers shall include, but are not limited to, those enumerated in this section.

Subd. 2. **Appointment of state director.** The state board shall appoint a state director of vocational technical education who shall serve in the unclassified service. The state director shall be qualified by training and experience in the field of education, vocational education, or administration. The state director shall possess powers and perform duties as delegated by the state board. The state board shall set the salary of the state director. The state director may be paid an allowance not to exceed \$2,000 annually for miscellaneous expenses in connection with duties of the office. The provisions of chapter 16A shall not apply to these expenditures, but the state board shall prescribe the manner, amount, and purpose of the expenditures and report to the legislature on the expenditures by December 1 of each even-numbered year.

Subd. 3. **Staff.** The state board shall employ all subordinate staff and prescribe their duties consistent with chapter 43A.

Subd. 4. **Budget requests.** The state board shall review and approve, disapprove, or modify the biennial budget requests for post-secondary vocational education operations and facilities submitted by the state director. The state board shall submit the approved biennial budget requests to the governor.

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.

Subd. 5. **Planning.** The state board shall develop a long-range plan for post-secondary vocational education which shall include goals and objectives for instructional programs, facilities, and use of resources. The plan shall be developed with the advice of appropriate state agencies, school boards, and other affected parties. The state board shall review this plan biennially to evaluate its success in meeting these goals and objectives.

Subd. 6. **Accounting and reporting standards.** The state board shall maintain the uniform financial accounting and reporting system according to the provisions of sections 121.90 to 121.917.

Subd. 7. **Attendance and completion.** The state board shall prescribe conditions of admission, tuition, fees, and other related matters. The state board shall prescribe requirements for completion of programs and approve the awarding of appropriate certificates or associate degrees consistent with the provisions of section 136C.042. Chapter 14 shall not apply to the matters in this subdivision.

Subd. 8. **Contracts and cooperative agreements.** The state board may enter into contracts or cooperative agreements with the state board of education, higher education governing boards, educational institutions, or appropriate state agencies.

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.

Subd. 10. **Allocation.** The state board shall allocate state and federal money for post-secondary vocational education. Money received from federal sources, other than as provided in this chapter, and money received from other sources, not including the state, shall not be taken into account in determining appropriations or allocations.

Subd. 11. **Short-term programs.** The state board may approve a short-term program of two years or less, as an economic development initiative, which will not become a permanent part of the curriculum. The short-term program shall have an approved program length of not more than two years and be operated for a specified duration.

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.

Subd. 13. **Closing authority.** The state board, after consultation with the affected school board, may require that school board to discontinue operation of its AVTI. The state board shall first hold a public hearing on the issue in that geographic area. Affected parties shall have an opportunity to present testimony. At the request of the school board, the hearing shall be conducted by an administrative law judge of the office of administrative hearings. The administrative law judge shall prepare a summary of testimony for the state board. The state board shall publish notice in the State Register and in a newspaper of general circulation in the geographic area at least 30 days before the scheduled hearing.

Subd. 14. **Reorganization.** The state board, after consulting with the affected school boards, may merge or reorganize institutes or establish regional service areas for the purpose of increased efficiency, use of personnel, placement of programs, student access, and other needs as determined by the state board.

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.

Subd. 16. **Timing of actions.** The state board may consider the provisions of sections 125.12, subdivision 4, and 125.17, subdivision 3, when it takes actions under subdivisions 12, 13, and 14.

Subd. 17. **Cooperation for vocational education.** The state board of education shall cooperate with the state board of vocational technical education to promote establishment of policies and methods to improve the quality and efficiency of secondary, post-secondary, and adult vocational education in the state.

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:** 1983 c 258 s 61; 1984 c 463 art 5 s 28-30; 1984 c 640 s 32; 1985 c 122 s 3,4; 1Sp1985 c 11 s 50-52

#### 136C.041 WITHHOLDING OF ALLOCATIONS.

Subdivision 1. The state board may withhold allocations for post-secondary vocational education if the board finds a district to be in violation of any statute, rule, or state board policy.

Subd. 2. The state board shall notify the district of its finding. The notice shall specify the violation, describe the correction required, and set a reasonable time within which the district shall correct the violation. The state board also shall provide the district an opportunity for a hearing to respond and to dispute the finding. No allocations shall be withheld pending the final decision of the state board. If a violation is corrected in the allotted time or if the state board determines that a violation does not exist, no allocations shall be withheld.

Subd. 3. The decision of the state board under this section may be reviewed on certiorari by the district court of the county in which the district, or any part of it, is located.

**History:** 1984 c 463 art 5 s 31

#### 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.

Subd. 2. **Exception.** Associate degrees offered by the area vocational technical institutes prior to January 1, 1981, shall not be subject to the provisions of subdivision 1.

**History:** 1981 c 353 s 1-3; 1984 c 463 art 5 s 11,36; 1985 c 122 s 5

#### 136C.05 POWERS AND DUTIES OF THE SCHOOL BOARD.

Subdivision 1. **Personnel.** The school board shall employ instructors, support personnel, and supervisory personnel for post-secondary vocational education. The school board may appoint the local director.

Subd. 2. **Finance.** The school board shall prepare and submit budgets as required by the state board. The school board shall approve all expenditures.

Subd. 3. **Instructional program.** The school board shall operate and maintain post-secondary vocational education, subject to the supervision of the state board as provided in section 136C.04. The school board may determine area employment needs and make recommendations to the state board.

Subd. 4. **Facilities and equipment.** The school board shall operate and maintain all facilities and equipment and shall employ personnel to do so.

**History:** 1983 c 258 s 62

#### 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:** 1984 c 463 art 5 s 32; 1Sp1985 c 14 art 9 s 9

#### 136C.07 AREA VOCATIONAL TECHNICAL SCHOOLS.

Subdivision 1. The board of any independent or special district may petition the state board of vocational technical education to classify one or more of its schools as an area vocational technical school.

Subd. 2. Upon receipt of such petition, the state board shall examine the petition and any supporting evidence which it may require. The state board shall conduct hearings, and may investigate school records and such other facts relating to vocational technical training as it may deem appropriate.

Subd. 3. It is the purpose of this section to more nearly equalize the educational opportunities in certain phases of vocational technical education to persons of the state who are of the age and maturity to profitably pursue training for a specific occupation. If the state board finds, as a result of its inquiry, that the establishment of an area vocational technical school, according to the petition, would further the educational interests of all the people of the state, and is in accordance with the plans and program of the state department for the vocational and technical education of the people, it may approve the petition.

Subd. 4. If the petition is approved, the school shall be established by the district and classified by the state board as an area vocational technical school and conducted under the general supervision of the state board in accordance with the policy and rules of the state board. Notwithstanding the provisions of subdivision 3 and of this subdivision, after June 30, 1975 no area vocational technical school shall be established unless specific legislation has authorized its establishment.

Subd. 5. No district shall expend funds from any source for the acquisition or betterment of lands or buildings or for capital improvements needed for an area vocational technical school without the approval of the state board and authorization by specific legislative act if that acquisition, betterment or capital improvement requires the expenditure of \$250,000 or more, or adds more than 1,000 gross square feet to a post-secondary vocational facility, or requires the issuance of school district bonds. No acquisition or betterment of lands or buildings or capital improvement which requires the expenditure of \$50,000 or more but less than \$250,000 or which changes the perimeter walls of an existing facility shall be carried out without the approval of the state board. No acquisition or betterment of lands or buildings or capital improvement which requires the expenditure of less than \$50,000, which does not change a perimeter wall and which does not require the issuance of school district bonds, shall be carried out without the approval of the state director of vocational technical education. As used in this subdivision, the terms "acquisition" and "betterment," as applied to lands and buildings, and "capital improvement" shall have the meanings ascribed to them in chapter 475, but shall not include the acquisition or betterment of machinery or equipment.

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 and approved the final plans, specifications, and cost estimates.

Subd. 6. Any property of the state administered by the state board in connection with teaching vocational education may be apportioned and distributed by the state board to local school districts desiring to avail themselves of the benefits of this section.

Subd. 7. The state board may contract for hospital benefits and medical benefits coverage for students in the same manner as authorized by section 43A.23 for state employees.

**History:** *Ex 1959 c 71 art 2 s 21; 1965 c 597 s 1; 1967 c 77 s 1; 1969 c 1121 s 1; 1971 c 800 s 1; 1974 c 521 s 11; 1975 c 162 s 41; 1975 c 432 s 13-15; 1976 c 271 s 24; 1978 c 764 s 9; 1978 c 792 s 24; 1979 c 334 art 5 s 1; 1980 c 469 s 2; 1981 c 210 s 54; 1982 c 424 s 130; 1982 c 639 s 33; 1984 c 463 art 5 s 4,36; 1Sp1985 c 11 s 53; 1Sp1986 c 1 art 10 s 8*

### **136C.075 COMPENSATION FOR PERFORMANCE EVALUATIONS BY STATE EMPLOYEES.**

Notwithstanding any law to the contrary, a state employee who is asked by the department of education to undertake a performance evaluation of an area vocational technical school may be compensated at the rate provided for in section 15.059.

To be eligible for compensation under this section, a state employee must take an unpaid leave of absence for the period of time the employee performs the evaluation.

**History:** *1984 c 571 s 2*

### **136C.08 BOARD POWER TO REGULATE TRAFFIC.**

Subdivision 1. Any school board or joint school board operating an area vocational technical school, pursuant to section 136C.07; Laws 1967, chapter 822, as amended; Laws 1969, chapter 775, as amended; or Laws 1969, chapter 1060, as amended, may make, adopt and enforce rules, regulations or ordinances for the regulation of traffic and parking in parking facilities and on private roads and roadways situated on property owned, leased, occupied or operated by the board.

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.

Subd. 3. Before the adoption of any rule authorized by subdivision 1, the board shall hold a public hearing. Notice of the hearing shall be published at least once in a legal newspaper in the county in which the property affected by the rule, regulation, or ordinance is located. Publication shall be no more than 45 days and no less than 15 days prior to the date of the hearing.

After a public hearing, a majority of the members of the board must approve a rule, regulation, or ordinance before it is effective. A copy of the adopted rule, regulation, or ordinance shall be signed by the superintendent of the district or joint district and filed with the county recorder of each county in which the rule, regulation, or ordinance was adopted, together with proof of publication. Upon filing, the rule, regulation, or ordinance shall be in full force and effect.

Subd. 4. Every sheriff, constable, police officer, or other peace officer shall have authority to enforce all rules and ordinances adopted pursuant to this section and shall have authority to arrest and prosecute offenders for violations of law.

**History:** *1974 c 540 s 1-4; 1978 c 706 s 6; 1983 c 258 s 23; 1984 c 463 art 5 s 5,36; 1984 c 618 s 5; 1985 c 248 s 70; 1Sp1985 c 11 s 54*

**136C.13 POST-SECONDARY VOCATIONAL EDUCATION TUITION.**

Subdivision 1. Any Minnesota resident may attend a post-secondary vocational technical school if the individual meets the entrance requirements for the training course in which enrollment is sought and the school has the available space.

Subd. 2. **Length of quarter.** For purposes of tuition charges, a quarter shall consist of 60 school days. The state board shall establish proportionate tuition charges for quarters which are shorter or longer than 60 days, for part time and extended day enrollment, and for programs which begin or end during a quarter. The state board shall establish tuition charges based on approved program lengths for programs offered on an individualized basis.

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:** 1975 c 271 s 6; 1975 c 432 s 67; 1976 c 271 s 59; 1977 c 447 art 5 s 6,7; 1979 c 334 art 5 s 19-22; 1980 c 609 art 5 s 12-14; 1981 c 358 art 5 s 31-34; 1982 c 424 s 130; 1984 c 463 art 5 s 20-22,36; 1Sp1985 c 11 s 55,56

**136C.15 STUDENT ASSOCIATIONS.**

Every school board governing an area vocational technical institute shall give recognition as an authorized extracurricular activity to an area vocational technical institute student association affiliated with the Minnesota vocational technical student association. The student association is authorized to collect a reasonable fee from students to finance the activities of the association in an amount determined by the governing board of the area vocational technical institute which has recognized it.

Every governing body which recognizes a student association shall deposit the fees in a student association fund. The moneys in this fund shall be available for expenditure for student recreational, social, welfare, and educational pursuits supplemental to the regular curricular offerings.

**History:** 1976 c 25 s 1; 1978 c 764 s 10; 1984 c 463 art 5 s 10,36

**136C.17 AREA VOCATIONAL TECHNICAL INSTITUTES AND COMMUNITY COLLEGES; LEGAL COUNSELING AND SERVICE PROGRAMS.**

Notwithstanding the provisions of sections 8.06 and 136.11 or any rules adopted pursuant thereto, an area vocational technical institute or community college student association governing student activities on campus may expend money for the purpose of funding a program to provide legal counseling and services for students. The money to be expended shall be from that portion of the area vocational technical institute student senate funds or community college activity fund account allocated to the student association and derived solely from fees received from students.

**History:** 1975 c 212 s 1; 1984 c 463 art 5 s 6,36

**136C.21 ACCEPTANCE OF FEDERAL AID.**

The provisions of the act of congress entitled "An act to provide for the promotion of vocational education; to provide cooperation with the states in the promotion of such education in agriculture and in the trades and industries; to provide cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," and approved February 23, 1917, and acts amendatory thereto, be and the same are hereby accepted, and the benefits of all funds appropriated under the provisions of such acts are hereby accepted as provided in such acts.

**History:** Ex1959 c 71 art 5 s 40; 1984 c 463 art 5 s 36

**136C.211 FUNDS, TREASURER'S DUTIES.**

The state treasurer is appointed custodian of all funds for vocational education, and is charged with the duty and responsibility of receiving and providing for the proper custody and proper disbursement of money paid to the state and the appropriations made for such purpose.

**History:** Ex1959 c 71 art 5 s 42; 1984 c 463 art 5 s 36

**136C.212 FEDERAL AID, REPORTS TO THE LEGISLATURE.**

The state treasurer, as custodian for vocational educational funds, shall make to the legislature at each biennial session a report of the receipts and disbursements of money received by the state treasurer under the provisions of federal and state acts relating to vocational education and the state board shall make to the legislature at each biennial session a report of its administration of such acts and the expenditure of money allotted to the state under the provisions of such acts.

**History:** Ex1959 c 71 art 5 s 43; 1984 c 463 art 5 s 36; 1986 c 444

**136C.213 APPROPRIATION ACCOUNT.**

There shall be appropriated biennially a sum of not less than the amount to which the state of Minnesota is entitled under sections 3 and 4 of an act of Congress of the United States, approved February 23, 1917, and acts amendatory thereto, relating to the promotion of vocational education and for appropriations to the states for instruction in agriculture, trade and industrial education, home economics and distributive education, and for the training of teachers of vocational subjects.

**History:** Ex1959 c 71 art 5 s 44; 1984 c 463 art 5 s 36

**136C.22 MATCHING AID.**

When aid is received from the United States conditioned upon the state meeting requirements specified by the government of the United States the state board shall allot the necessary funds to be paid by the state out of the general fund.

**History:** Ex1959 c 71 art 5 s 46; 1969 c 399 s 20; 1984 c 463 art 5 s 36



**136C.221 FEDERAL AID.**

Any district or any other governmental agency designated by the state board which maintains a vocational school, department, or class shall be entitled to federal money under such acts for the salaries and necessary travel expenses of teachers of agriculture, trade and industrial education, home economics, and distributive education by meeting the requirements fixed by the state board and approved by the United States.

**History:** *Ex1959 c 71 art 5 s 47; 1984 c 463 art 5 s 36*

**136C.222 TEACHER TRAINING AID.**

Teacher training schools and departments shall be entitled to federal money for the preparation or vocational technical education teachers by meeting the requirements fixed by the state board and approved by the United States for the preparation of such teachers. The state board shall reimburse institutions selected by it to train teachers of vocational subjects to an amount of not to exceed one-half of the expenditures made for such training by these institutions, provided that no federal funds may be applied directly or indirectly to the purchase, erection, preservation, or repair of any building or equipment, or for the purchase or rental of lands or for the support of any religious or privately owned school or college.

**History:** *Ex1959 c 71 art 5 s 48; 1969 c 261 s 1; 1984 c 463 art 5 s 36*

**136C.223 TEACHERS' TRAINING, FEDERAL AID.**

All disbursements of federal money for the benefit of teacher training schools or departments shall be made on the requisition of the state board by the state treasurer to the legally constituted authorities having custody of the money of such training schools or departments. All disbursements of federal and state money for the benefit of vocational schools, departments, or classes shall be made on the requisition of the state board by the state treasurer to the treasurers legally qualified to receive and disburse the funds for the districts or governmental agencies establishing and maintaining such schools, departments, and classes as herein provided.

**History:** *Ex1959 c 71 art 5 s 49; 1984 c 463 art 5 s 36*

**136C.25 AVTI FUNDING.**

For the 1983-1984 and 1984-1985 school years, post-secondary vocational aids for AVTI's shall be paid for the current fiscal year according to sections 136C.26 to 136C.37, and 136C.41.

**History:** *1983 c 314 art 5 s 2; 1984 c 463 art 5 s 12,36*

**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]

Subd. 3. **AVTI.** "AVTI" means a post-secondary area vocational technical institute.

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.

Subd. 6. **Instructional costs.** "Instructional costs" means expenditures in the following categories: licensed and nonlicensed staff salaries; licensed and nonlicensed

staff fringe benefits, excluding teachers' retirement and teachers' social security; staff travel for instructional, administrative, and professional development purposes; purchased services; other expenditures, detailed according to UFARS; supplies and materials; supplies for resale; rents and leases; acquisition or purchase of equipment and machinery; and betterment of equipment and machinery.

Subd. 7. **Program.** "Program" means a post-secondary vocational technical occupational program as classified with a six-digit number by the United States Department of Education.

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

Subd. 9. **UFARS.** "UFARS" means the Uniform Financial Accounting and Reporting System.

**History:** 1983 c 314 art 5 s 3; 1984 c 463 art 5 s 13,36; 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]

Subd. 2. **In-service training.** The state board may provide for in-service training for AVTI instructors.

**History:** 1983 c 314 art 5 s 4; 1984 c 464 art 5 s 36

### 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:** 1983 c 314 art 5 s 5; 1984 c 463 art 5 s 14,36; 1985 c 122 s 7; 1Sp1985 c 11 s 60

**136C.29 USE OF AID.**

Subdivision 1. **Aid and tuition.** All AVTI aids and all tuition authorized by section 136C.13 shall be used solely for the purposes of post-secondary vocational technical education.

Subd. 2. **Accounting.** Each district providing post-secondary vocational technical education shall maintain, in accordance with section 136C.04, subdivision 6, separate revenue, expenditure, asset and liability accounts for post-secondary vocational technical education within funds separate from all other district funds.

Subd. 3. **Instructional aid.** Instructional aid allocated for the following purposes shall be placed in the equipment account of the capital expenditure fund:

- (a) acquisition or purchase of equipment or machinery;
- (b) betterment of equipment or machinery;
- (c) paying leasing fees for computer systems hardware and related proprietary software, photocopy machines and telecommunications equipment; and
- (d) renting or leasing buildings for school purposes.

Aid allocated for these purposes shall be used solely for these purposes.

All other instructional aid which is allocated shall be placed in the general fund and shall not be transferred to any other fund. The school board shall authorize and approve actual expenditures of the aid allocated.

Subd. 4. **Special needs.** Aid allocated for special needs instruction shall be used solely for that purpose.

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: 1983 c 314 art 5 s 6; 1984 c 463 art 5 s 15,36; 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: 1983 c 314 art 5 s 7; 1984 c 463 art 5 s 16,36; 1985 c 122 s 8*

**136C.32 CERTAIN EQUIPMENT EXPENDITURES.**

Expenditures for the purposes in section 136C.29, subdivision 3, clauses (a), (b), (c), and (d) which exceed \$6,000 shall receive prior approval by the state director. The process in section 136C.28 shall not constitute approval for this purpose.

*History: 1983 c 314 art 5 s 8; 1984 c 463 art 5 s 17,36*

**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.

Subd. 2. **Withdrawal.** The date of withdrawal shall mean the date a pupil completes the program and permanently leaves the AVTI. A pupil who has been absent for 15 consecutive school days shall be determined to have permanently left the school. A pupil who permanently leaves the school on or before the 15th day of a quarter shall be determined not to have entered during that quarter. For a pupil who permanently leaves after the 15th school day of a quarter without completing the program, the date of withdrawal shall be the earliest of the following:

- (a) the date the pupil is scheduled to complete the program;
- (b) the date the AVTI fills the vacancy created by leaving; or
- (c) the last day of the quarter during which the pupil permanently leaves the AVTI.

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

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

**History:** 1983 c 314 art 5 s 9; 1984 c 463 art 5 s 18,36; 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:** 1983 c 314 art 5 s 10; 1984 c 463 art 5 s 36; 1Sp1985 c 11 s 63

### 136C.35 LENGTH OF SCHOOL YEAR AND DAY.

For an AVTI, the normal school year shall be at least 175 session days. In all AVTI's, the length of the school day for each pupil, exclusive of the noon intermission, shall be at least six hours. Exceptions may be made by the district for approved AVTI programs provided on a part-time or extended day basis to meet the needs of individual students or classes. These exceptions are authorized only for programs originally provided on a full-time basis. Notwithstanding section 126.12, an AVTI may conduct regularly scheduled classes on Saturdays.

**History:** 1983 c 314 art 5 s 11; 1984 c 463 art 5 s 36; 1Sp1986 c 1 art 10 s 9

### 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:** 1983 c 342 art 7 s 4; 1984 c 463 art 5 s 36; 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.

Subdivision 1. The state board shall provide, for credit against the debt service levy of qualifying districts, post-secondary vocational debt service aid equal to the state portion of debt service costs. The state portion of debt service costs shall equal the amount necessary to make payments due in each school year ending June 30 with respect to qualifying bonds issued to finance post-secondary vocational facilities and interest thereon, multiplied by the average of the district's nonresident reimbursement percentage pursuant to Minnesota Statutes 1974, section 121.21, subdivision 5, in fiscal years ended June 30, 1973, 1974, and 1975. For purposes of the computation of debt service aid, qualifying bonds shall include only:

- (a) bonds issued prior to January 1, 1978;

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(b) bonds issued after January 1, 1978, to finance post-secondary vocational facilities projects which receive funds appropriated in Laws 1978, chapter 792, section 8; and

(c) bonds issued at any time to refund the bonds described in (a) and (b). No district shall qualify for this post-secondary vocational debt service aid unless it has certified a levy in the total amount required by section 475.61, for collection in the calendar year in which the aid credit is to be given.

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.

Subd. 2. There shall be no post-secondary vocational debt service aid for the state portion of debt service costs for bonds issued on or after January 1, 1978 to finance post-secondary vocational facilities and interest thereon, unless these bonds are issued to finance post-secondary vocational facilities projects which receive funds appropriated in Laws 1978, chapter 792, section 8.

Subd. 3. Post-secondary vocational debt service aid shall be computed each year before October 1 by the state board as the percentage specified in subdivision 1 of the sum of the principal and interest on qualifying bonds which will become due in the school year commencing on the following July 1.

Subd. 4. The amount for each school district shall be certified by the board on or before October 1 to the school district, and to the county auditors of all counties containing taxable property within the school district, and to the state commissioner of finance. This amount shall be deducted by the county auditors from the amount of the debt service levies of the school district to be assessed and extended against the taxable property therein for collection in the following year, and shall be payable instead from the appropriation made by this section.

Subd. 5. The commissioner of finance shall issue to the state treasurer warrants for payment of one-half of the amount to the treasurer of the school district on or before July 15 and one-half thereof on or before November 15 in the following year, in lieu of the distributions of this amount otherwise payable by county treasurers at these times under the provisions of section 276.11.

Subd. 6. The amount necessary is annually appropriated from the general fund to the respective districts entitled to these payments. This appropriation shall not lapse until and unless otherwise provided by law, but shall be reduced by the amount of any funds specifically appropriated for the same purpose in any year from any state fund. In the event that the appropriation is revoked in any future year, the state board shall certify this fact to each school district theretofore entitled to an aid credit under this subdivision.

Subd. 7. The appropriation heretofore made for post-secondary vocational debt service aid payable in the school year ending June 30, 1977, is confirmed, and the board shall continue to provide for the payment of debt service aids therefrom at or before the due dates of school district bonds and interest in that school year. In addition, the state board shall pay to districts which expended cash balances to finance the construction of new post-secondary vocational facilities and which the state board prior to May 15, 1975 agreed to repay for these expenditures the amount of the repayment specified in the agreement. Funds received in repayment shall revert to the fund of origin in the district.

**History:** 1975 c 432 s 66; 1976 c 271 s 58; 1978 c 792 s 28; 1984 c 463 art 5 s 19,36; 1985 c 23 s 4

**136C.42 VOCATIONAL TECHNICAL BUILDING FUND.**

Subdivision 1. **Purpose.** A vocational technical building fund is created as a separate bookkeeping account in the general books of the state for the purpose of providing money appropriated to the state board of vocational technical education for the acquisition and betterment of public land, buildings, and capital improvements needed for the area vocational technical education program of the state.

Subd. 2. **Receipts.** The commissioner of finance and treasurer shall deposit in the fund as received all proceeds of vocational technical building bonds, except accrued interest and premiums received upon the sale thereof. All such receipts are annually appropriated for the permanent acquisition purposes of the fund, and shall be and remain available for expenditure in accordance with this section until the purposes of the appropriations have been accomplished or abandoned.

Subd. 3. **Disbursements.** Disbursements from the fund shall be made by the state treasurer upon the order of the commissioner of finance at the times and in the amounts requested by the state board of vocational technical education in accordance with the applicable appropriation acts, 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 by the state board and in the legislative act authorizing the specific post-secondary vocational facilities project.

Subd. 4. Eighty-five percent of the cost of post-secondary vocational facilities authorized by specific legislative act after January 1, 1979 shall be financed through appropriations from the vocational technical building fund and 15 percent of the cost of these facilities shall be financed by the school district operating the post-secondary vocational technical school. 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: 1975 c 436 s 7; 1978 c 792 s 25-27; 1984 c 463 art 5 s 7,36*

**136C.43 VOCATIONAL TECHNICAL BUILDING BONDS.**

Subdivision 1. **Purpose; appropriation.** For the purpose of providing money appropriated from the vocational technical building fund for the acquisition of public land, buildings, and capital improvements needed for the state plan for the administration of vocational education in accordance with the provisions of section 136C.42, when requested by the state board of education, the commissioner of finance shall sell and issue bonds of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith and credit and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended therefor, as set forth in section 136C.42. Any such law, together with this section and the laws herein referred to, constitutes complete authority for the issue, and such bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. **Issuance.** The bonds shall be sold upon sealed bids and upon notice, at a price, in form and denominations, bearing interest at a rate or rates, maturing in amounts and on dates, subject to prepayment upon notice and at times and prices, payable at a bank or banks within or outside the state, with or without provisions for registration, conversion, exchange, and issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with further rules, as the commissioner of finance shall determine subject to the approval of the attorney general, but not subject to the provisions of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures on the bonds and on any interest coupons and the seals may be printed or otherwise reproduced, except that each bond shall be authenticated by the manual signature on its face of one

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of the officers or of a person authorized to sign on behalf of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. **Expenses.** All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, shall be paid from the vocational technical building fund and the amounts necessary therefor are appropriated from that fund; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be limited to the amount so appropriated.

Subd. 4. **Vocational technical building bond account in the state bond fund.** The commissioner of finance shall maintain in the state bond fund a separate bookkeeping account designated as the vocational technical building bond account, to record receipts and disbursements of money transferred to the fund to pay vocational technical building bonds and interest thereon, and of income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average rate of return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. **Appropriations to bond account.** There shall be credited to the vocational technical building bond account the premium and accrued interest received on each issue of vocational technical building bonds and, from the general fund in the state treasury, on November 1 in each year, a sum of money equal to the amount of the tax which the Constitution would otherwise require to be levied for collection in the following year, for the purpose of increasing the balance then on hand in the account to an amount sufficient to pay principal and interest due and to become due with respect to vocational technical building bonds. All money so credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax for the state bond fund in any year as required by the Constitution. The commissioner of finance and the state treasurer are directed to make the appropriate entries in the accounts of the respective funds.

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:** 1975 c 436 s 8; 1982 c 424 s 130; 1984 c 463 art 5 s 8,36; 1985 c 248 s 70; 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 authoriz-

ing 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:** 1981 c 362 s 13; 1984 c 463 art 5 s 9,36; 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 shall serve in the unclassified service and 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; 1986 c 458 s 3

## JOINT VOCATIONAL TECHNICAL DISTRICTS

### 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 commis-



sioner 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 non-licensed 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. 3. 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*

**136C.70 HAZARDOUS SUBSTANCES TRAINING COURSES.**

The state board of vocational technical education shall provide courses in hazardous substances. The commissioner of public safety, with the concurrence of the director of the state board of vocational education and with the advice of the hazardous substance notification advisory committee, shall certify the courses eligible for reimbursement. Among the courses eligible for reimbursement are in-service training and refresher courses. The state board shall develop policies for tuition subsidies in hazardous substance courses. The subsidies shall only be applied to fire service personnel commencing and successfully completing training regarding the hazardous substances requirements.

*History: 1Sp1986 c 1 art 10 s 19*