

CHAPTER 123

SCHOOL DISTRICTS; ELECTION, POWERS AND DUTIES

123.11	Common school districts; meetings, elections.	123.37	Independent school districts, contracts.
123.32	Independent school districts, elections.	123.39	Independent school districts, transportation.
123.33	Boards of independent school districts.	123.51	Special school districts, laws applicable.
123.34	Officers of independent school districts.	123.703	State board of education and state commissioner of health; responsibilities.
123.35	General powers of independent school districts.	123.705	Health screening aid.
123.351	Cooperative centers for vocational education.	123.935	Provision of pupil support services.
123.3515	School district enrollment options program.	123.9362	Notice to districts; proration.
123.36	Schoolhouses and sites, access by persons for noncurricular purposes, independent school districts.	123.951	School site management agreement.

123.11 COMMON SCHOOL DISTRICTS; MEETINGS, ELECTIONS.

[For text of subs 1 to 6, see M.S.1986]

Subd. 7. Upon the filing of a petition therefor, executed by five eligible voters, as defined in Minnesota election law, of the common district, specifying the business to be acted upon, or upon the adoption of a proper resolution so specifying, signed by a majority of the members of the board, the clerk shall forthwith call a special meeting of the district upon ten days' posted notice and one week's published notice if there be a newspaper printed in the district and specify in the notice the business named in the request or resolution and the time and place of the meeting. If there be no clerk in the district or if the clerk fails for three days after receiving a request or resolution to give notice of a meeting, it may be called by like notice by five eligible voters, as defined in Minnesota election law, of the district. No business except that named in the notice shall be transacted at the meeting. If there are not five eligible voters, as defined in Minnesota election law, or if there is not a board therein, the county auditor may call a special meeting by giving notice thereof as provided in this section. The voters at a special meeting have power to repeal or modify their proceedings.

History: 1987 c 266 art 2 s 8

NOTE: Subdivision 7, as amended by Laws 1987, chapter 266, article 2, section 8, is effective July 1, 1988. See Laws 1987, chapter 266, article 2, section 15.

123.32 INDEPENDENT SCHOOL DISTRICTS, ELECTIONS.

[For text of subs 1 to 3, see M.S.1986]

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

If the annual election is held at the same time as a statewide election or an election for a county or municipality located partially or wholly within the school district, the application must be filed not more than ten nor less than eight weeks before the annual election.

[For text of subs 5 to 29, see M.S.1986]

History: 1987 c 62 s 2

NOTE: This section is repealed by Laws 1987, chapter 266, article 2, section 14, effective July 1, 1988. See Laws 1987, chapter 266, article 2, section 15.

123.33 BOARDS OF INDEPENDENT SCHOOL DISTRICTS.

[For text of subs 1 to 3, see M.S.1986]

Subd. 4. Any other vacancy in a board shall be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the first day to file affidavits of candidacy for the next school district general election and more than two years remain in the unexpired term, a special election shall be held in conjunction with the school district general election. The appointed person shall serve until the qualification of the successor elected to fill the unexpired part of the term at that special election. If the vacancy occurs on or after the first day to file affidavits of candidacy for the school district general election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve the remainder of the unexpired term and until a successor is elected and qualifies at the school district election.

[For text of subs 5 to 11, see M.S.1986]

Subd. 11a. **Mailing of proceedings.** If a school board of a district that has no newspaper with its known office of issue or a secondary office located within the boundaries of the district and no newspaper that is distributed to more than one-third of the residences in the district determines that mailing a summary of its proceedings would be more economical than publication of the proceedings and that it would adequately inform the public, it may mail a summary of its proceedings to each residence in the district that can be identified as a homestead from the property tax records and to each other residence in the district that the board can identify. The county shall make the property tax records available to the board for this purpose. The board shall keep a copy of the summary of the proceedings as part of its records. The decision of a school board to mail summaries, rather than publish the proceedings under this subdivision shall be presumed valid, subject to challenge by a court action.

[For text of subs 12 to 16, see M.S.1986]

History: 1987 c 42 s 1; 1987 c 266 art 2 s 9

NOTE: Subdivision 4, as amended by Laws 1987, chapter 266, article 2, section 9, is effective July 1, 1988. See Laws 1987, chapter 266, article 2, section 15.

123.34 OFFICERS OF INDEPENDENT SCHOOL DISTRICTS.

[For text of subs 1 to 8, see M.S.1986]

Subd. 9. **Superintendent.** All districts maintaining a classified secondary school shall employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent shall be vested in the school board in all cases. Notwithstanding the provisions of sections 122.532, 122.541, 125.12, subdivision 6a or 6b, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on seniority or order of employment in any district. If two or more school districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on seniority or order of employment in a contracting district. An individual who holds a position as superintendent in one of the contracting districts, but is not selected to

perform the services, may be placed on unrequested leave of absence or may be reassigned to another available position in the district for which the individual is licensed. The superintendent of a district shall perform the following:

- (a) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;
- (b) recommend to the board employment and dismissal of teachers;
- (c) superintend school grading practices and examinations for promotions;
- (d) make reports required by the commissioner of education; and
- (e) perform other duties prescribed by the board.

[For text of subd 10, see M.S.1986]

History: 1987 c 398 art 8 s 8

123.35 GENERAL POWERS OF INDEPENDENT SCHOOL DISTRICTS.

[For text of subds 1 to 15, see M.S.1986]

Subd. 16. **School nurse.** By July 1, 1988, a board of a district with 1,000 pupils or more must employ at least one full-time licensed school nurse. The board may contract with a public health agency for nursing services. The board shall not reduce the number of licensed school nurses that it employed during the 1986-1987 school year, except, if the enrollment of the district declines, the district may reduce the equivalent services of licensed school nurses proportionately.

History: 1987 c 398 art 7 s 20

123.351 COOPERATIVE CENTERS FOR VOCATIONAL EDUCATION.

Subdivision 1. **Establishment.** Two or more independent school districts may enter into an agreement to establish a cooperative center to provide for vocational education and other educational services upon the vote of a majority of the full membership of each of the boards of the districts entering into the agreement. When a resolution approving this action has been adopted by the board of a district, the resolution shall be published once in a newspaper of general circulation in the district. If a petition for referendum on the question of the district entering into the agreement, containing signatures of qualified voters of the district equal to five percent of the number of voters at the last school district general election, is filed with the clerk of the board within 60 days after publication of the resolution, the board shall not enter into the agreement until the question has been submitted to the voters of the district at a special election. This election shall be conducted and canvassed in the same manner as school district general elections. If a majority of the total number of votes cast on the question within the district is in favor of the proposition, the board may enter into an agreement to establish the center for purposes described in this section.

[For text of subds 2 to 9, see M.S.1986]

History: 1987 c 266 art 2 s 10

NOTE: Subdivision 1, as amended by Laws 1987, chapter 266, article 2, section 10, is effective July 1, 1988. See Laws 1987, chapter 266, article 2, section 15.

123.3515 SCHOOL DISTRICT ENROLLMENT OPTIONS PROGRAM.

Subdivision 1. **Establishment.** An enrollment options program for school districts, in which a school district may voluntarily participate, is established. A participating district must include all grade levels offered by the district. By formal resolution, a participating district must agree to:

- (1) allow its resident pupils to enroll in other participating districts;
- (2) accept nonresident pupils from other participating districts; and
- (3) follow the procedures in this section.

A district shall notify the commissioner each year by September 15 whether it will participate in the program during the following school year. For the 1987-1988 school year, a district must notify the commissioner by July 1, 1987.

Subd. 2. Pupil application. A pupil who resides in a participating district may enroll according to this section in a participating nonresident district. The pupil's parent or guardian must apply to the nonresident district on a form provided by the department of education. The application must be submitted to the nonresident district by December 1 for enrollment during the following school year. For the 1987-1988 school year, an application must be submitted by August 1, 1987.

Subd. 3. Nonresident district procedures. Within ten days of receiving an application, a nonresident district shall notify the resident district that it has received the application. The nonresident district shall notify the parent or guardian and the resident district by February 1 whether the pupil's application has been approved or disapproved. For the 1987-1988 school year, notification must occur by August 10, 1987.

Subd. 4. Basis for approval. A nonresident district must adopt criteria for approving and disapproving applications. A nonresident district may disapprove an application because of lack of space in the district. It may also disapprove an application for a particular program or school because of lack of space in the program or school. A district that has a desegregation plan may approve and disapprove applications according to subdivision 5.

Subd. 5. Racial balance. A school district that has a desegregation plan may limit the number of pupils who transfer into or out of the district. An application to transfer into or out of a desegregation district shall be submitted to that district by November 1 of each year for enrollment during the following school year. For the 1987-1988 school year, an application must be submitted by August 1, 1987. If approval of all of the applications would result in the district being out of compliance with its desegregation plan, the district shall establish the number of majority and minority group pupils who may transfer into or out of the district. The district may approve or disapprove the applications in a manner that will enable compliance with the desegregation plan. The district shall notify the parent or guardian by November 20 whether the pupil's application has been approved or disapproved. For the 1987-1988 school year, notification must occur by August 10, 1987.

Subd. 6. Transportation. The nonresident district shall provide transportation within that district for nonresident pupils enrolled under this section. The state shall pay transportation aid to the district according to section 124.225. The resident district is not required to provide or pay for transportation between a pupil's residence and the border of the nonresident district.

A parent or guardian may apply to the nonresident district for reimbursement for transportation costs between the pupil's residence and the border of the nonresident district. The state board shall establish guidelines for reimbursing the transportation costs based on financial need. Chapter 14 does not apply to the guidelines.

Subd. 7. Credits; graduation. A pupil who has been enrolled in a nonresident district and who has met the district's graduation requirements shall be granted a diploma by that district. The district shall accept credits toward graduation requirements that were awarded by another district.

Subd. 8. Information. A participating district must make information about the district, schools, programs, policies, and procedures available to all interested people.

Subd. 9. Aid. Payment of foundation aid or general education aid for pupils enrolled in a nonresident district must be made according to section 124A.036, subdivision 5.

History: 1987 c 398 art 8 s 9

123.36 SCHOOLHOUSES AND SITES, ACCESS BY PERSONS FOR NONCURRICULAR PURPOSES, INDEPENDENT SCHOOL DISTRICTS.

[For text of subds 1 to 12, see M.S.1986]

Subd. 13. Proceeds of sale or exchange. Proceeds of the sale or exchange of school buildings or real property of the school district shall be used as provided in this subdivision.

(1) In districts with outstanding bonds, the proceeds of the sale or exchange shall first be deposited in the debt retirement fund of the district in an amount sufficient to meet when due that percentage of the principal and interest payments for outstanding bonds which is ascribable to the payment of expenses necessary and incidental to the construction or purchase of the particular building or property which is sold.

(2) After satisfying the requirements of clause (1), a district with outstanding bonds may deposit proceeds of the sale or exchange in its capital expenditure fund if the amount deposited is used for the following:

(a) for expenditures for the removal of asbestos from school buildings or property or for asbestos encapsulation, if the method for asbestos removal or encapsulation is approved by the department of education;

(b) for expenditures for the cleanup of polychlorinated biphenyls, if the method for cleanup is approved by the department of education;

(c) for capital expenditures for the betterment, as defined in section 475.51, subdivision 8, of district-owned school buildings, other than as provided in clause (a); or

(d) to replace the building or property sold.

The amount of the proceeds used for the purposes specified in clauses (a) and (b) shall be deducted from the levy limitation computed for the levy authorized in section 275.125, subdivision 11c, in the first year after the deposit and from levy limitations computed for this levy in succeeding years until the entire amount is deducted.

(3) In a district with outstanding bonds, the amount of the proceeds of the sale or exchange remaining after the application of clauses (1) and (2), which is sufficient to meet when due that percentage of the principal and interest payments for the district's outstanding bonds which is not governed by clause (1), shall be deposited in the debt retirement fund.

(4) Any proceeds of the sale or exchange remaining in districts with outstanding bonds after the application of clauses (1), (2), and (3), and all proceeds of the sale or exchange in districts without outstanding bonds shall be deposited in the capital expenditure fund of the district.

(5) Notwithstanding clauses (2) and (3), a district with outstanding bonds may deposit in its capital expenditure fund and use for any lawful capital expenditure without the reduction of any levy limitation the same percentage of the proceeds of the sale or exchange of a building or property as the percentage of the initial cost of purchasing or constructing the building or property which was paid using revenue from the capital expenditure fund.

(6) Every district which sells or exchanges a building or property shall report to the commissioner in the form and at the time the commissioner prescribes on the disposition of the proceeds of the sale or exchange.

[For text of subd 14, see M.S.1986]

History: 1987 c 398 art 7 s 21

123.37 INDEPENDENT SCHOOL DISTRICTS, CONTRACTS.

[For text of subd 1, see M.S.1986]

Subd. 1a: The board may authorize its superintendent or business manager, or

technical institute director in those districts operating a technical institute, to lease, purchase, and contract for goods and services within the budget as approved by the board, provided that any transaction in an amount exceeding the minimum amount for which bids are required must first be specifically authorized by the board and must fulfill all other applicable requirements in subdivision 1.

[For text of subs 1b and 2, see M.S.1986]

History: 1987 c 258 s 6

123.39 INDEPENDENT SCHOOL DISTRICTS, TRANSPORTATION.

Subdivision 1. The board may provide for the free transportation of pupils to and from school, and to schools in other districts for grades and departments not maintained in the district, including high school, at the expense of the district, when funds are available therefor and if agreeable to the district to which it is proposed to transport the pupils, for the whole or a part of the school year, as it may deem advisable, and subject to its rules. Every driver shall possess all the qualifications required by the rules of the state board of education. In any school district, the board shall arrange for the attendance of all pupils living two miles or more from the school through suitable provision for transportation or through the boarding and rooming of the pupils who may be more economically and conveniently provided for by that means. The board shall provide transportation to and from the home of a handicapped child not yet enrolled in kindergarten when special instruction and services under section 120.17 are provided in a location other than in the child's home. When transportation is provided, scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children and any other matter relating thereto shall be within the sole discretion, control, and management of the school board. The district may provide for the transportation of pupils or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by that means or who attend school in a building rented or leased by a district within the confines of an adjacent district.

[For text of subs 2 to 13, see M.S.1986]

History: 1987 c 398 art 3 s 15

123.51 SPECIAL SCHOOL DISTRICTS, LAWS APPLICABLE.

Special districts as now organized shall continue to operate under the special legislation and charter provisions governing them until conversion to independent districts. The provisions of law relating to independent districts shall apply to and govern each special district unless the special laws and charter provisions governing the special district provide for the matter, in which case the special laws and charter provisions relating to the special district shall apply and control. Sections 205A.01 to 205A.11 control and supersede inconsistent provisions of special laws or charters in the administration of school district elections in special districts.

History: 1987 c 266 art 2 s 11

NOTE: This section, as amended by Laws 1987, chapter 266, article 2, section 11, is effective July 1, 1988. See Laws 1987, chapter 266, article 2, section 15.

123.703 STATE BOARD OF EDUCATION AND STATE COMMISSIONER OF HEALTH; RESPONSIBILITIES.

[For text of subs 1 and 2, see M.S.1986]

Subd. 3. **Report.** The state board of education, in cooperation with the state commissioner of health, shall report to the legislature by February 1 of each odd-numbered year on the results of the screening programs in accomplishing the purposes specified in section 123.701. The report shall include information on the rates of children's participation in screening programs, on districts' costs for implementing the

various components of the screening program, and on any exemptions granted from screening requirements because of financial infeasibility.

History: 1987 c 398 art 4 s 6

123.705 HEALTH SCREENING AID.

Subdivision 1. **Aid amounts.** The state shall pay each school district for the cost of screening services provided according to sections 123.701 to 123.705 an amount equal to \$8.15 per child screened.

History: 1987 c 398 art 4 s 7

123.935 PROVISION OF PUPIL SUPPORT SERVICES.

[For text of subs 1 to 6, see M.S.1986]

Subd. 7. **Nonpublic education council.** The commissioner shall appoint a 15-member council on nonpublic education. The 15 members shall represent various areas of the state, represent various methods of providing nonpublic education, and shall be knowledgeable about nonpublic education. The compensation, removal of members, filling of vacancies, and terms are governed by section 15.0575. The council shall advise the commissioner and the state board on nonpublic school matters under this section. The council may recognize educational accrediting agencies, for the sole purpose of sections 120.101, 120.102, and 120.103. When requested by the commissioner or the state board, the council may submit its advice about other nonpublic school matters.

History: 1987 c 178 s 6

123.9362 NOTICE TO DISTRICTS; PRORATION.

In the event the appropriation for nonpublic educational aid under sections 123.931 to 123.947 is not sufficient to meet the required payments in any fiscal year, the department of education must notify the school districts at the earliest possible date of the need to prorate the appropriation among the districts.

History: 1987 c 398 art 6 s 1

SCHOOL SITE MANAGEMENT

123.951 SCHOOL SITE MANAGEMENT AGREEMENT.

A school board may enter into an agreement with a school site management team concerning the governance, management, or control of a school. An initial school site management team shall be appointed by the school board and shall include the school principal, representatives of teachers in the school, representatives of other employees in the school, representatives of parents of pupils in the school, representatives of pupils in the school, representatives of other members in the community, and others determined appropriate by the board. The permanent school site management team shall consist of at least the school principal and representatives elected by each group represented on the initial team.

The school board may delegate any of its powers or duties to the school site management team. Any powers or duties not specifically delegated shall remain with the school board.

History: 1987 c 398 art 7 s 22