

CHAPTER 123

SCHOOL DISTRICTS; ELECTION, POWERS AND DUTIES

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123.3511	Repealed.	123.581	In-service training programs.
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123.36	Schoolhouses and sites, access by persons for noncurricular purposes, independent school districts.	123.70	Health standards; school children.
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123.33 BOARDS OF INDEPENDENT SCHOOL DISTRICTS.

[For text of subds 1 to 6, see M.S.1988]

Subd. 7. The board shall superintend and manage the schools of the district; adopt rules for their organization, government, and instruction; keep registers; and prescribe textbooks and courses of study. The board may arrange for courses for secondary pupils that are offered by a post-secondary institution.

[For text of subds 8 to 16, see M.S.1988]

History: 1989 c 329 art 9 s 7

123.3511 [Repealed, 1989 c 329 art 9 s 34]

123.3512 [Repealed, 1989 c 329 art 9 s 34]

123.3514 POST-SECONDARY ENROLLMENT OPTIONS ACT.

[For text of subds 1 to 4b, see M.S.1988]

Subd. 4c. **Limit on participation.** A pupil who first enrolls in grade 11 may not enroll in post-secondary courses under this section for secondary credit for more than the equivalent of two academic years. A pupil who first enrolls in grade 12 may not enroll in post-secondary courses under this section for secondary credit for more than the equivalent of one academic year. If a pupil in grade 11 or 12 first enrolls in a post-secondary course for secondary credit during the school year, the time of participation shall be reduced proportionately. A pupil who has graduated from high school cannot participate in a program under this section. A pupil who has completed course requirements for graduation but who has not received a diploma may participate in the program under this section.

[For text of subd 4d, see M.S.1988]

Subd. 5. **Credits.** A pupil may enroll in a course under this section for either secondary credit or post-secondary credit. At the time a pupil enrolls in a course, the pupil shall designate whether the course is for secondary or post-secondary credit. A pupil taking several courses may designate some for secondary credit and some for post-secondary credit. A pupil must not audit a course under this section.

A school district shall grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Nine quarter or six semester college credits equal at least one full year of high school credit. Fewer college credits may be prorated. A school district shall also grant academic credit to a pupil enrolled in a course for post-secondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the district shall, as soon as possible,

notify the state board of education, which shall determine the number of credits that shall be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the school board's decision to the state board of education. The state board's decision regarding the number of credits shall be final.

The secondary credits granted to a pupil shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course and secondary credits granted shall be included in the pupil's secondary school record. A pupil must provide the school with a copy of the pupil's grade in each course taken for secondary credit under this section. Upon the request of a pupil, the pupil's secondary school record shall also include evidence of successful completion and credits granted for a course taken for post-secondary credit. In either case, the record shall indicate that the credits were earned at a post-secondary institution.

If a pupil enrolls in a post-secondary institution after leaving secondary school, the post-secondary institution shall award post-secondary credit for any course successfully completed for secondary credit at that institution. Other post-secondary institutions may award, after a pupil leaves secondary school, post-secondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.

[For text of subds 6 to 6b, see M.S.1988]

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

Subd. 7a. Textbooks; materials. All textbooks and equipment provided to a pupil, and paid for under subdivision 6, are the property of the pupil's school district of residence. Each pupil is required to return all textbooks and equipment to the school district after the course has ended.

[For text of subds 8 and 9, see M.S.1988]

Subd. 10. Limit; state obligation. The provisions of subdivisions 6, 7, 8, and 9 shall not apply for any post-secondary courses in which a pupil is enrolled in addition to being enrolled full time in that pupil's district or for any post-secondary course in which a pupil is enrolled for post-secondary credit. The pupil is enrolled full time if the pupil attends credit-bearing classes in the high school or high school program for all of the available hours of instruction.

History: 1989 c 329 art 9 s 8-12

123.3515 SCHOOL DISTRICT ENROLLMENT OPTIONS PROGRAM.

[For text of subds 1 to 8, see M.S.1988]

Subd. 9. Aid. General education aid, capital expenditure facilities aid, capital expenditure equipment aid, and transportation aid attributable to pupils covered by programs under this section must be paid according to sections 124A.036, subdivision 5, 124.245, subdivision 6, and 124.225, subdivision 8l.

History: 1989 c 222 s 8

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

Subdivision 1. According to section 275.125, subdivision 11d, or 465.71, when funds are available therefor, the board may locate and acquire necessary sites of schoolhouses or enlargements, or additions to existing schoolhouse sites by lease, purchase or condemnation under the right of eminent domain; it may erect schoolhouses thereon; it may erect or purchase garages for district-owned school buses. When property is taken by eminent domain by authority of this subdivision when needed by the school district for such purposes, the fact that the property so needed has been acquired by the owner under the power of eminent domain or is already devoted to public use, shall not prevent its acquisition by the school district. The board may sell or exchange schoolhouses or sites, and execute deeds of conveyance thereof.

[For text of subs 2 to 12, see M.S.1988]

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.

(a) 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.

(b) After satisfying the requirements of paragraph (a), 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:

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

(2) for capital expenditures for the betterment, as defined in section 475.51, subdivision 8, of district-owned school buildings; or

(3) to replace the building or property sold.

(c) In a district with outstanding bonds, the amount of the proceeds of the sale or exchange remaining after the application of paragraphs (a) and (b), 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 paragraph (a), shall be deposited in the debt retirement fund.

(d) Any proceeds of the sale or exchange remaining in districts with outstanding bonds after the application of paragraphs (a), (b), and (c), and all proceeds of the sale or exchange in districts without outstanding bonds shall be deposited in the capital expenditure fund of the district.

(e) Notwithstanding paragraphs (b) and (c), 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.

[For text of subd 14, see M.S.1988]

History: 1989 c 222 s 9; 1989 c 329 art 5 s 3,4

123.39 INDEPENDENT SCHOOL DISTRICTS, TRANSPORTATION.

[For text of subs 1 to 13, see M.S.1988]

Subd. 14. The board may provide transportation for a pupil who is a custodial parent and that pupil's child between the pupil's home and a child care provider and between the provider and the school. The board shall establish criteria for transportation it provides according to this subdivision.

History: 1989 c 329 art 2 s 1

123.58 EDUCATIONAL COOPERATIVE SERVICE UNITS.*[For text of subds 1 to 3, see M.S.1988]*

Subd. 4. Membership and participation. Full membership in an ECSU shall be limited to public school districts of the state but nonvoting associate memberships shall be available to nonpublic school administrative units within the ECSU. Participation in programs and services provided by the ECSU shall be discretionary. No school district shall be compelled to participate in these services under authority of this section. However, all school districts whose central administrative offices are within that ECSU whose boundaries coincide with those of development region 11 shall participate in the planning and planning research functions of that ECSU. All of the members of an education district shall belong to the same ECSU, if any members belong to an ECSU. No planning or planning research decision of that ECSU shall be binding on these region 11 districts. Nonpublic school students and personnel are encouraged to participate in programs and services to the extent allowed by law.

[For text of subds 5 to 8a, see M.S.1988]

Subd. 9. Financial support for the educational cooperative service units. (a) Financial support for ECSU programs and services shall be provided by participating local school districts and nonpublic school administrative units with private, state and federal financial support supplementing as available. The ECSU board of directors may, in each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred, assess and certify to each participating school district and nonpublic school administrative unit its proportionate share of any and all expenses. This share shall be based upon the extent of participation by each district or nonpublic school administrative unit and shall be in the form of a service fee. Each participating district and nonpublic school administrative unit shall remit its assessment to the ECSU board as provided in the ECSU bylaws. The assessments shall be paid within the maximum levy limitations of each participating district. No participating school district or nonpublic school administrative unit shall have any additional liability for the debts or obligations of the ECSU except that assessment which has been certified as its proportionate share or any other liability the school district or nonpublic school administrative unit agrees to assume.

(b) Any property acquired by the ECSU board is public property to be used for essential public and governmental purposes which shall be exempt from all taxes and special assessments levied by a city, county, state or political subdivision thereof. If the ECSU is dissolved, its property must be distributed to the member public school districts at the time of the dissolution.

(c) A school district or nonpublic school administrative unit may elect to withdraw from participation in the ECSU by a majority vote of its full board membership and upon compliance with the applicable withdrawal provisions of the ECSU organizational agreement. Upon receipt of the withdrawal resolution reciting the necessary facts, the ECSU board shall file a certified copy with the state board of education. The withdrawal shall be effective on the June 30 following receipt by the board of directors of written notification of the withdrawal at least six months prior to June 30. Notwithstanding the withdrawal, the proportionate share of any expenses already certified to the withdrawing school district or nonpublic school administrative unit for the ECSU shall be paid to the ECSU board.

(d) The ECSU is a public corporation and agency and its board of directors may make application for, accept and expend private, state and federal funds that are available for programs of educational benefit approved by the state board of education in accordance with rules adopted by the state board of education pursuant to chapter 14. The state board of education shall not distribute special state aid or federal aid directly to an ECSU in lieu of distribution to a school district within the ECSU which would otherwise qualify for and be entitled to this aid without the consent of the school board of that district.

(e) The ECSU is a public corporation and agency and as such, no earnings or interests of the ECSU may inure to the benefit of an individual or private entity.

[For text of subds 10 and 11, see M.S.1988]

History: 1989 c 329 art 6 s 33; art 11 s 8

123.581 IN-SERVICE TRAINING PROGRAMS.

Subdivision 1. [Repealed, 1989 c 329 art 9 s 34]

Subd. 6. [Repealed, 1989 c 329 art 9 s 34]

123.60 [Repealed, 1989 c 329 art 9 s 34]

123.601 [Repealed, 1989 c 329 art 9 s 34]

123.68 [Repealed, 1989 c 329 art 9 s 34]

123.70 HEALTH STANDARDS; SCHOOL CHILDREN.

Subdivision 1. Except as provided in subdivisions 3 and 4, no person over two months old may be allowed to enroll or remain enrolled in any elementary or secondary school or day care facility in this state until the person has submitted to the administrator or other person having general control and supervision of the school or day care facility, one of the following statements:

(1) a statement from a physician or a public clinic which provides immunizations stating that the person has received immunization, consistent with medically acceptable standards, against red measles after having attained the age of 12 months, rubella, diphtheria, tetanus, pertussis, polio, and mumps; or

(2) a statement from a physician or a public clinic which provides immunizations stating that the person has received immunizations against red measles after having attained the age of 12 months, rubella, and mumps and that the person has commenced a schedule of immunizations for diphtheria, tetanus, pertussis, and polio and which indicates the month and year of each immunization received.

Subd. 2. No person who has commenced a treatment schedule of immunization pursuant to subdivision 1, clause (2), may remain enrolled in any day care facility, elementary, or secondary school in this state after 18 months of enrollment unless there is submitted to the administrator, or other person having general control and supervision of the school or day care facility, a statement from a physician or a public clinic which provides immunizations that the person has completed the primary schedule of immunizations for diphtheria, tetanus, pertussis, and polio and in which the month and year of each additional immunization received is included. For a child less than seven years of age, a primary schedule of immunizations shall consist of four doses of vaccine for diphtheria, tetanus, and pertussis and three doses of vaccine for poliomyelitis. For a child seven years of age or older, a primary schedule of immunizations shall consist of three doses of vaccine for diphtheria, tetanus, and polio.

[For text of subd 3, see M.S.1988]

Subd. 4. A person who is enrolling or enrolled in an elementary or secondary school or day care facility may substitute a statement from the emancipated person or a parent or guardian if the person is a minor child in lieu of the statement from a physician or public clinic which provides immunizations. If the statement is from a parent or guardian or emancipated person, the statement shall indicate the month and year of each immunization given. In order for the statement to be acceptable for a person who is six years of age or younger, enrolling in an elementary school or day care facility, it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, and no less than four doses of vaccine for poliomyelitis, unless the third dose was given after the fourth birthday, then three doses are minimum, and no less than five doses of vaccine for diphtheria, tetanus, and pertussis, unless the fourth dose was given after the fourth birthday, then four are minimum. In order for the statement to be acceptable for a

person who is seven years of age or older, enrolling in an elementary or secondary school, the statement must indicate no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, and no less than three doses of vaccine for poliomyelitis, diphtheria, and tetanus. The commissioner of health, on finding that any of the above requirements are not necessary to protect the public's health, may suspend for one year that requirement.

[For text of subds 5 and 6, see M.S.1988]

Subd. 7. Each school or day care facility shall maintain on file immunization records for all persons in attendance that contain the information required by subdivisions 1, 2, and 3. The department of health and the board of health, as defined in section 145A.02, subdivision 2, in whose jurisdiction the school or day care facility is located, shall have access to the files maintained pursuant to this subdivision. When a person transfers to another elementary or secondary school or day care facility, the administrator or other person having general control and supervision of the school or day care facility shall assist the person's parent or guardian in the transfer of the immunization file to the person's new school or day care facility within 30 days of the transfer. Upon the request of a public or private post-secondary educational institution, as defined in section 135A.14, the administrator or other person having general control or supervision of a school shall assist in the transfer of a student's immunization file to the post-secondary institution.

Subd. 8. The administrator or other person having general control and supervision of the elementary or secondary school shall file a report with the commissioner of education on all persons enrolled in the school, except that the superintendent of each school district shall file a report with the commissioner of education for all persons within the district receiving instruction in a home school in compliance with sections 120.101 and 120.102. The parent of persons receiving instruction in a home school shall submit the statements as required by subdivisions 1, 2, and 4 to the superintendent of the school district in which the person resides by October 1 of each school year. The school report shall be prepared on forms developed jointly by the commissioner of health and the commissioner of education and be distributed to the local school districts by the commissioner of health and shall state the number of persons attending the school, the number of persons who have not been immunized according to subdivision 1 or 2, and the number of persons who received an exemption under subdivision 3, clause (c) or (d). The school report shall be filed with the commissioner of education within 60 days of the commencement of each new school term. The commissioner of education shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The administrator or other person having general control and supervision of the day care facility shall file a report with the commissioner of human services on all persons enrolled in the day care facility. The day care facility report must be prepared on forms developed jointly by the commissioner of health and the commissioner of human services and be distributed to day care facilities by the commissioner of health and must state the number of persons enrolled in the facility, the number of persons with no immunizations, the number of persons who received an exemption under subdivision 3, clause (c) or (d), and the number of persons with partial or full immunization histories. The day care facility report shall be filed with the commissioner of human services by November 1 of each year. The commissioner of human services shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The report required by this subdivision is not required of a family day care or group family day care facility.

Subd. 9. As used in this section the following terms have the meanings given them.

(a) "Elementary or secondary school" includes any public school as defined in section 120.05, or nonpublic school, church, or religious organization, or home school in which a child is provided instruction in compliance with sections 120.101 and 120.102.

(b) "Person enrolled in any elementary or secondary school" means a person enrolled in grades kindergarten through 12 and a handicapped child receiving special instruction and services as required in section 120.17, excluding a child being provided services according to section 120.17, subdivision 2, clause (c) or (g).

(c) "Family day care" means day care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(d) "Group family day care" means day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Subd. 10. A statement required to be submitted under subdivisions 1, 2, and 4 to document evidence of immunization shall include month, day, and year for immunizations administered after January 1, 1990.

History: 1989 c 215 s 1-7

123.703 [Repealed, 1989 c 329 art 4 s 20]

123.705 [Repealed, 1989 c 329 art 4 s 20]

NOTE: Subdivision 1 was also amended by Laws 1989, chapter 222, section 10, to read as follows:

"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. If this amount of aid is not sufficient, the district may permanently transfer from the general fund an amount that, when added to the aid, is sufficient."

123.706 EARLY CHILDHOOD SCREENING.

Subdivision 1. **Objectives.** The objectives of an early childhood screening program are to:

- (1) detect health and developmental conditions that may impede learning;
- (2) encourage further assessment, if needed; and
- (3) refer children to appropriate programs.

Subd. 2. **Screening.** Early childhood screening is a program for making a preliminary determination whether a child has a health or developmental condition that may impede learning. After screening, a child who may have such a condition is referred to a qualified individual or organization for assessment.

Subd. 3. **Program available.** Beginning in fiscal year 1994, a school district shall make a screening program available to children who are three years old and older but who have not entered kindergarten. No child may be required to be screened. A district shall follow up on referrals to determine whether a child needs or has obtained additional services. To the extent possible, a district shall cooperate with public and private organizations in the community to deliver, finance, and provide volunteer and in-kind services.

Subd. 3a. **District options during interim years.** During fiscal years 1990, 1991, 1992, and 1993, a school district must conduct a screening program either according to this section or according to sections 123.702 and 123.704.

Subd. 4. **Requirements for all children.** The following must be available for all children who are screened:

- (1) developmental screening;
- (2) vision and hearing screening;
- (3) height and weight assessment;
- (4) immunization review and immunizations;
- (5) review of health and family history;
- (6) identification of additional risk factors that may influence learning;
- (7) a summary interview with the parent;
- (8) referral for assessment when potential needs are identified; and
- (9) referral to a qualified health, developmental, education, or social service provider.

Subd. 5. Requirements for certain children. (a) Additional services must be offered to children:

- (1) who have not had a physical examination within one year; or
 - (2) for whom information from a physical examination conducted within one year cannot be provided by the parent.
- (b) The following must be available for the children described in paragraph (a):
- (1) nutrition assessment;
 - (2) physical examination;
 - (3) laboratory tests;
 - (4) oral inspection and dental referral; and
 - (5) any other service required by medical assistance rules set forth in Minnesota Rules, parts 9505.0275 and 9505.1693 to 9505.1748.

Services in this subdivision may be offered in conjunction with the screening program or provided by a public or private individual or health care organization within 30 days before the screening program.

Subd. 6. Developmental screening. Developmental screening, according to subdivision 4, clause (1), must be conducted by an individual who is licensed as, or has the equivalent training of, a special education teacher, school psychologist, kindergarten teacher, prekindergarten teacher, school nurse, public health nurse, registered nurse, or physician. The individual may be a volunteer.

Subd. 7. Data privacy. Data on individuals collected in a screening program is private, as defined in section 13.02, subdivision 12. Summary data shall be reported by the health provider who performs the screening to the school district for the purposes of developing educational and health programs. If the child's parent or guardian consents in writing, individual data shall also be reported.

Subd. 8. State agency cooperation. The commissioner of education shall consult regularly with the commissioners of human services, health, and jobs and training, about the development of effective policies, practices, and cooperative arrangements to maximize the participation of preschool children and in follow-up services to enhance their health, preparation for formal education, and family nurturing. The commissioners of education and human services shall assist school districts in identifying children eligible for medical assistance or the children's health plan, providing outreach, and providing or paying for services with medical assistance or other available money, including private insurance.

History: 1989 c 329 art 4 s 5

NOTE: Subdivision 3a is repealed effective July 1, 1993. See Laws 1989, chapter 329, article 4, section 20.

123.707 HEALTH AND DEVELOPMENTAL SCREENING.

Subdivision 1. Aid availability. Screening aid shall be paid to a district meeting the requirements of section 123.702 or 123.706.

Subd. 2. Aid for three year old children. Health and developmental screening aid for a three year old screened is the following:

- (a) for a child who is enrolled in the medical assistance program or the children's health plan, \$4;
- (b) for a child who is covered by a private medical insurance plan that will reimburse the district for some or all of the cost of screening the child, the difference between the amount of eligible reimbursement and \$30, plus \$4; and
- (c) for all others, \$30.

Subd. 3. Aid for other children. Health and developmental screening aid for a child who is over the age of three, but not yet enrolled in kindergarten, is the following:

- (a) for a child who is enrolled in the medical assistance program or the children's health plan, \$4;
- (b) for a child who is covered by a private medical insurance plan that will

reimburse the district for some or all of the cost of screening the child, and the reimbursement totals less than \$8.15, the difference between the amount of reimbursement and \$8.15, plus \$4; and

(c) for all others, \$8.15.

History: 1989 c 329 art 4 s 6