# CHAPTER 128B

# PINE POINT SCHOOL


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**128B.01** MS 1990 [Repealed, 1991 c 265 art 3 s 40]

## 128B.011 SCHOOL GOVERNANCE AND STANDARDS.

Subdivision 1. **Governance.** The care, management, and control of Pine Point School is vested in the White Earth Reservation Tribal Council. The council has the same powers and duties as a school board under chapters 120A to 129C and other provisions applicable to school boards. The Tribal council may delegate powers and duties for the operation of the school to the Indian Education Committee. The committee may exercise powers and duties delegated to it.

Subd. 2. **Standards.** The school is a public school providing instruction for pupils in kindergarten through the 8th grade. Instruction shall meet the same standards for instruction as are required for other public schools.

Subd. 3. **Cooperation with school districts.** If the council determines it cannot adequately provide certain services, the council shall purchase or share services with one or more school districts or other provider for instruction, administration, or other requirements of operating the school, including curriculum, teachers, support services, supervision, administration, financial accounting and reporting, and other instructional and noninstructional programs. The council is encouraged to cooperate with school districts to increase and improve instructional and support services available to the pupils in the school.

**History:** *1991 c 265 art 3 s 20; 1998 c 397 art 11 s 3*

## 128B.02 TERMS OF OFFICERS; ELECTIONS; VOTING.

Subdivision 1. **Terms.** The term of an officer of the Indian Education Committee is three years.

Subd. 2. **Section 123B.94 on elections.** The election of committee officers must be held according to section 123B.94.

Subd. 3. **Who can vote.** A qualified voter who resides within former Independent School District No. 25 may vote at an election of committee officers.

Subd. 4. **District 309 elections.** This chapter does not prohibit a qualified voter who resides within former Independent School District No. 25 from voting in an election in Independent School District No. 309.

**History:** *1973 c 683 s 26 subds 3,4; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3; 1998 c 397 art 11 s 3*

## 128B.03 FINANCES, INSURANCE, TRANSPORTATION.

Subdivision 1. **Cannot bond, tax, borrow.** This chapter does not allow the council to issue bonds, levy taxes, or borrow money.

Subd. 2. **May get federal aid.** The council may receive federal aid to Indians.

Subd. 3. MS 1990 [Repealed, 1991 c 265 art 3 s 40]

Subd. 3a. **State revenues.** The state shall pay to the council for the support of the school all aids, revenues, and grants available to a school district as though the school were a school district. The aids, revenues, and grants include, but are not limited to, the following:

(1) general education revenue, as defined in section 126C.10, subdivision 1, including at least compensatory revenue;

(2) transportation revenue;

(3) capital expenditure facilities revenue;

(4) capital expenditure equipment revenue;

(5) special education revenue;

(6) English learner aid;

(7) family connections aid;

(8) assurance of mastery revenue;

(9) school lunch revenue;

(10) school milk revenue;

(11) long-term facilities maintenance revenue;

(12) Indian language and culture grants;

(13) arts planning grants; and

(14) all other aids, revenues, or grants available to a school district.

If there are eligibility requirements for an aid, revenue, or grant, the requirements shall be met in order to obtain the aid, revenue, or grant, except that a requirement to levy shall be waived. To compute the amount of aid, revenue, or grant requiring a levy, the amount of the levy shall be zero.

If a school district obtains revenue from the proceeds of a levy, the council shall be deemed to have levied and the state shall pay aid equal to the amount that would have been levied. The amount shall be approved by the commissioner of education.

The proceeds of any aid, grant, or revenue shall be used only as provided in the applicable statute.

Subd. 4. **Federal aid.** The school board of Independent School District No. 309 must transfer to the council, to the extent permissible, any federal aids or grants which the school district is eligible for or entitled to because of:

(1) the population in the school attendance area;

(2) the pupils actually attending the school;

(3) the program of the school;

(4) the boundaries of the attendance area of the school; or

(5) a related reason.

Subd. 5. **Audits.** The council must have an audit done annually of the accounts of the school. The audit must be finished within one year after the year for which the audit is made.

Subd. 6. **Treasurer's bond.** The treasurer of the council must give a corporate surety bond to the state. The school board of Independent School District No. 309 must set the amount of the bond. The amount must be sufficient to protect the interest of the school district.

Subd. 7. **Insurance.** The council may buy the insurance specified in sections 122A.69 and 123B.23. The council must buy insurance to the extent required by chapter 466 and is not liable beyond the extent provided by chapter 466.

Subd. 8. MS 1990 [Repealed, 1991 c 265 art 3 s 40]

**History:** *1973 c 683 s 26 subds 2,5,7,8,9,11,14; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3; 1990 c 562 art 3 s 8; 1991 c 265 art 3 s 21-24; 1993 c 224 art 14 s 17; 1993 c 374 s 25,29; 1Sp1995 c 3 art 16 s 13; 1996 c 412 art 4 s 24; 1998 c 397 art 11 s 3; 2003 c 130 s 12; 2009 c 86 art 1 s 16; 2012 c 239 art 1 s 33; 2018 c 182 art 1 s 36*

**128B.04 RESIDENT PUPILS.**

A pupil in kindergarten through 8th grade who resides within former Independent School District No. 25 is a resident pupil for the purposes of chapters 120A, 123B, 124D, 125A, and 125B. Pupils enrolled in the school may not be counted by Independent School District No. 309 for the purposes of receiving revenue according to chapters 120A to 129C.

**History:** *1981 c 358 art 6 s 41; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3; 1991 c 265 art 3 s 25; 1998 c 397 art 11 s 3*

**128B.05 EMPLOYEES; APPROPRIATE UNIT; INDIAN INSTRUCTORS.**

Subdivision 1. **Hiring.** The council must employ necessary teachers according to section 122A.40 and may employ other necessary personnel.

Subd. 2. **Council teachers are unit.** Teachers employed by the council are employees of the council and are an "appropriate unit" or a "unit" under chapter 179A, notwithstanding section 179A.03, subdivision 2.

Subd. 3. **District 309 teachers.** Teachers employed by the school board of Independent School District No. 309 who are assigned by the board to the school remain employees of the board.

Subd. 4. **Indian culture instructors.** The council may employ instructors in Indian culture. The instructors need not be licensed by the state board. For all other purposes, the instructors are "teachers" as defined by section 122A.15, subdivision 1.

**History:** *1973 c 683 s 26 subd 10; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3; 1991 c 265 art 3 s 26,27; 1998 c 397 art 11 s 3*

**128B.06 THIS CHAPTER PREVAILS OVER CODE OR DISTRICT LAW.**

Subdivision 1. **Education Code.** The management of the school by the council is governed by the Education Code and other law affecting school districts.

Subd. 2. **Independent district law.** Unless otherwise provided in this chapter, the council must operate according to statutes governing independent school districts.

Subd. 3. **This chapter prevails.** If there is a conflict between the code or other law and this chapter, this chapter prevails.

**History:** *1973 c 683 s 26 subd 12; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3; 1991 c 265 art 3 s 28*

**128B.07** MS 1990 [Repealed, 1991 c 265 art 3 s 40]

**128B.08 REPORTS TO LEGISLATURE.**

Before January 15 of each odd-numbered year, the council must submit a report to the legislature on the school established by this chapter. The report must document the success or failure of the school.

**History:** *1973 c 683 s 26 subd 17; 1975 c 432 s 88; 1977 c 447 art 7 s 28; 1981 c 358 art 6 s 42; 1Sp1985 c 12 art 7 s 32; 1989 c 220 s 3; 1991 c 265 art 3 s 29; 1Sp1995 c 3 art 8 s 10*

**128B.09 TRANSFER TO DISTRICT 309.**

The school may be closed by unanimous vote of the Tribal council effective June 30 of any year. The school board of Independent School District No. 309 shall assume responsibility for the pupils in the school on July 1.

**History:** *1973 c 683 s 26 subd 17; 1975 c 432 s 88; 1977 c 447, art 7 s 28; 1981 c 358 art 6 s 42; 1Sp1985 c 12 art 7 s 26,32; 1989 c 220 s 3; 1989 c 221 s 1; 1991 c 265 art 3 s 30*

**128B.10 CONTINUATION OF CHAPTER.**

Subdivision 1. **Extension.** This chapter remains in effect until otherwise provided by law.

Subd. 2. MS 1991 Supp [Repealed, 1992 c 592 s 21]

Subd. 3. MS 1990 [Repealed, 1991 c 265 art 11 s 26]

**History:** *1973 c 683 s 26 subd 17; 1Sp1985 c 12 art 7 s 26,32; 1989 c 221 s 2; 1991 c 265 art 3 s 31,32; 1993 c 224 art 3 s 31; 1Sp1995 c 3 art 8 s 11; 1Sp1997 c 4 art 2 s 39*