CHAPTER 128D

SPECIAL SCHOOL DISTRICT NO. 1, MINNEAPOLIS

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1959 BASIC LAW, AS AMENDED

128D.01 THIS CHAPTER, NOT CHARTER, CONTROLS; EXCEPTION.

Subdivision 1. **A special independent district.** The special school district now existing in the city of Minneapolis is a special independent school district subject to the provisions of this chapter.

Subd. 2. **Charter does not apply.** No provision of the Minneapolis home rule charter shall be applicable thereto, except as provided in this chapter.

Subd. 3. **City law controls civil service.** The civil service provisions of the Minneapolis home rule charter or of any law applicable to the city of Minneapolis shall be applicable to employees of the special independent school district, except employees not under civil service on the effective date of this subdivision.

History: *1959 c 462 s 1,3; 1961 c 565 s 1; 1963 c 645 s 1,3; 1967 c 661 s 1*

128D.02 BOARD OF EDUCATION LIKE INDEPENDENT DISTRICT'S.

The governing body of such school district shall be a board of education, which board shall have the care, management, supervision, conduct, and control of the school district and shall have all the powers and rights of school boards of independent school districts except as otherwise stated.

History: *1959 c 462 s 1,3; 1963 c 645 s 2,3*

128D.03 BOARD IS ON CERTAIN CITY BOARDS.

Subdivision 1. **On planning commission.** The special independent school district shall have representation upon the city planning commission as provided under the Minneapolis home rule charter.

Subd. 2. **Not on tax board.** The special independent school district shall not have any representation upon the Board of Estimate and Taxation of said city.

History: *1959 c 462 s 2; 1963 c 645 s 2; 1967 c 661 s 2; 1973 c 223 s 2; 2010 c 382 s 32*

128D.04 DISTRICT LIKE INDEPENDENT DISTRICT; EXCEPTION.

Such special independent school district shall have all the powers, privileges, duties, and obligations of independent school districts as provided by state laws except as follows or as otherwise provided by a special law or charter provision.

History: *1959 c 462 s 3; 1963 c 645 s 3; 1967 c 661 s 3; 1980 c 609 art 6 s 35*

128D.05 BOARD: NUMBER, TERM, PAY, VACANCIES.

Subdivision 1. **Number, term, pay.** (a) The board of education of such district shall consist of seven directors. The term of office of each director shall be four years or until a successor is elected and qualified. The directors shall receive such compensation as may be fixed by the board of education.

(b) The governing body of Special School District No. 1 may provide for election of four of its directors in 1994 and subsequent years for four-year terms, and election of three of its directors in 1996 and subsequent years for four-year terms. To accomplish this change, the governing body may provide that the terms of office for directors elected in 1991 will expire January 1, 1995, and that the terms of office for directors to be elected in 1993 will expire January 1, 1997.

Subd. 2. **Time of change.** A proposed change in election years adopted under subdivision 1 is effective 240 days after passage and publication or at a later date fixed in the proposal. Within 180 days after passage and publication of the proposal, a petition requesting a referendum on the proposal may be filed with the school district clerk. The petition must be signed by eligible voters equal in number to five percent of the total number of votes cast in the city of Minneapolis at the most recent state general election. If the requisite petition is filed within the prescribed period, the proposal does not become effective until it is approved by a majority of the voters voting on the question at a general or special election held on a date authorized by section 205A.05, subdivision 1a. If the petition is filed, the governing body may reconsider its action in adopting the proposal.

Subd. 3. **Vacancies.** In case any vacancy occurs in the office of school director because of death, resignation, or cessation of residence in the district, or any other cause, so that after the next general school election following such vacancy there shall be remaining at least two years of the unexpired term, a school director shall be elected at the next general school election to fill the place of such director, but until such election, or if no election is to be had under the foregoing provisions or because of the lack of time to comply with the election requirements when an election is pending, the remaining directors shall fill such vacancy. The director so appointed shall hold office until the first business day in January following the election of a successor, or until that successor qualifies.

History: *1959 c 462 s 3; 1963 c 645 s 3; 1967 c 661 s 3; 1973 c 223 s 3; 1974 c 366 s 1; 1978 c 559 s 1; 1992 c 378 s 1,2; 2017 c 92 art 2 s 6*

128D.055 BOARD ELECTION DISTRICTS AND AT-LARGE MEMBERS.

Subdivision 1. **Size and type of membership.** Notwithstanding contrary provisions in section 205A.12 or other law, the board of Special School District No. 1 shall consist of six members elected by district and three members elected at-large.

Subd. 2. **Election district boundaries.** The school board shall designate each election district by number. Three districts must have odd numbers and three districts must have even numbers. The board may provide for election districts that correspond to the Minneapolis Park Board election districts or may designate different district boundaries for the school election districts, except that each school election district must

be as equal in population as practicable and composed of compact, contiguous territory. When districts are redrawn following a census, members continue to serve until the expiration of the term to which they were elected.

Subd. 3. **Board elections.** A candidate for school board must file an affidavit of candidacy to be elected as a school board member for the election district where the candidate resides or for one of the at-large seats. A candidate must indicate on the affidavit the number of the district from which the candidate seeks election, or if applicable, that the candidate seeks one of the offices elected at-large.

Subd. 4. MS 2016 [Repealed, 2017 c 40 art 1 s 122]

History: *2006 c 239 s 1*

128D.06 BOARD'S ANNUAL REPORT AND BUDGETS.

Subdivision 1. **Board's annual report.** The board of education shall, as soon as practicable after the close of each fiscal year, cause to be printed, published, and distributed a report of the condition of the public school program under its charge, and of all the property under its control, with full and accurate account of all receipts and of all expenditures of the school district during the preceding year including operating and maintenance expenses as well as all expenses for capital outlay and building site improvement.

Subd. 2. **Salary schedule in report.** The report shall also include a full listing of the salary schedules for all school personnel, certificated and noncertificated in effect during the preceding year.

Subd. 3. **Annual operating and capital budgets.** Not later than the 15th day of the last month of each fiscal year the board shall adopt and cause to be published two separate budgets, an operating budget and a capital budget for the subsequent fiscal year.

Subd. 4. **Standards for budgets and report.** The board shall adopt and publish standards governing the content of its budgets and of its annual report.

History: *1963 c 645 s 3; 1967 c 661 s 3; 1988 c 718 art 7 s 57*

128D.07 COMPREHENSIVE LONG-RANGE BUILDING PLAN.

Subdivision 1. **Long-range building plan.** The school district shall develop a comprehensive long-range building plan to project forward school needs at any given time for at least the next five years, such plan to include the needs of the district in connection with school sites, new schools and additions to existing buildings, retiring of obsolete facilities, and rehabilitating, remodeling, and equipping existing school buildings.

Subd. 2. **Annual review.** The plan shall be reviewed and updated by the school staff and the board yearly.

Subd. 3. **To city planning commission.** The plan shall be submitted by the board to the city planning commission for its review and recommendations.

History: *1963 c 645 s 3; 1980 c 525 s 1*

128D.08 SCHOOL DISTRICT ELECTIONS.

Subdivision 1. **Same as city.** All primary and general school elections of the school district shall be held at the same time and place as the Minneapolis municipal or state primary and general elections. All candidates for school director shall file for office in the manner provided for municipal officers in the city of Minneapolis

and a number of candidates equal to twice the number of board vacancies shall be nominated at the school primary election.

Subd. 2. MS 1996 [Repealed, 1997 c 144 s 2]

Subd. 3. **Canvass.** All school elections shall be canvassed by the board of education.

Subd. 4. **Share costs with city.** The school district is authorized and empowered to contract with the city of Minneapolis for the payment of its proportionate share of the cost of holding all school district elections.

History: *1959 c 462 s 3; 1963 c 645 s 3; 1997 c 144 s 1*

128D.09 PACTS WITH CITY FOR SOME FACILITIES, SERVICES.

Subdivision 1. **Civil service commission.** The school district shall contract with the city of Minneapolis for facilities and services as are furnished by the civil service commission.

Subd. 2. **City purchasing and planning; exception.** Unless the board of education and city governing body each adopts a resolution declaring that a particular function would be most efficiently and effectively handled separately, the board shall contract on a pro rata cost basis for facilities and services provided by the purchasing department and city planning commission.

Subd. 3. **Other city services.** The school district may also contract with the city for other services supplied by such city.

History: *1959 c 462 s 3; 1963 c 645 s 3; 1967 c 661 s 3*

128D.10 CONTINUITY ON TENURE, PENSIONS, AND RETIREMENT.

(a) The tenure, pension, and retirement provisions of any law applicable to employees of the special school district of Minneapolis before April 24, 1959, shall continue to be applicable in the same manner and to the same extent to employees of the special independent school district after April 24, 1959, except as otherwise provided in law.

(b) The provisions of any general law or laws which are applicable only to independent school districts wholly or partially within cities of the first class shall not be applicable to the special independent school district of Minneapolis.

History: *1959 c 462 s 3; 1963 c 645 s 3; 2006 c 277 art 3 s 2*

128D.11 SCHOOL DISTRICT BONDS.

Subdivision 1. **Project, undertaking defined.** As used in this section the word "project" shall mean any proposed new or enlarged school building site, any proposed new school building or any proposed new addition to a school building, and "undertaking" shall mean any other purpose for which bonds may be issued as authorized in this section.

Subd. 2. **Election.** Subject to the limitations of subdivisions 7 to 10, the special independent school district of Minneapolis may issue and sell bonds with the approval of 53 percent of the electors voting on the question at a general school district election or at a school district election held at the same time and place within the district as a state general or primary election, as determined by the board of education.

Subd. 3. **No election.** Subject to the provisions of subdivisions 7 to 10, the school district may also by a two-thirds majority vote of all the members of its board of education and without any election by the voters of the district, issue and sell in each calendar year general obligation bonds of the district in an amount not to exceed 5-1/10 per cent of the net tax capacity of the taxable property in the district (plus, for calendar years 1990 to 2003, an amount not to exceed $7,500,000, and for calendar year 2004 and later, an amount not to exceed $15,000,000; with an additional provision that any amount of bonds so authorized for sale in a specific year and not sold can be carried forward and sold in the year immediately following).

Subd. 4. **30-year term.** All bonds of the school district shall be payable in not more than 30 years.

Subd. 5. **Use of proceeds.** The proceeds of the sale of the bonds shall be used only for the rehabilitating, remodeling, expanding, and equipping of existing school buildings and for the acquisition of sites, construction, and equipping of new school buildings, and for acquisition and betterment purposes.

Subd. 6. **This section prevails.** The provisions of this section shall apply to the issuance and sale of the bonds and to the purposes for which the bonds may be issued notwithstanding any provisions to the contrary in any other existing law relating thereto.

Subd. 7. **Limits on bonded debt.** The special independent school district shall not be subject to any charter limitations with respect to bonded indebtedness but shall be subject only to the limits on bonded indebtedness of independent school districts under section 475.53, subdivision 4, and to the additional limitations in subdivisions 8 to 10.

Subd. 8. **Net debt limit.** The school district shall not be subject to a net debt in excess of 144 percent of the net tax capacity of all taxable property therein.

Subd. 9. **Net debt defined.** The net debt of the school district for the purposes of this limitation is the amount of bonds less the amount of all money and the face value of all securities then held as a sinking fund for the payment of such bonds, and shall not include school aid and tax anticipation certificates of indebtedness not in default or bonds issued to pay pension fund liabilities under section 475.52, subdivision 6.

Subd. 10. **City planning commission approval; exceptions.** (a) No election shall be held on a proposed issue of bonds unless the board has submitted to the city planning commission a statement of the location and general description, so far as then known, of any project proposed to be constructed or acquired from the proceeds of such bonds with a request for preliminary approval of each such project as being in accordance with the comprehensive plan of the city of Minneapolis. The commission may state its preliminary approval or disapproval of the projects included in such statement within 60 days after receipt thereof, and failure so to do shall be deemed to signify preliminary approval of such projects. In the event the commission shall disapprove any proposed project included in the statement, a vote of at least six members of the board of education shall be required for the adoption of a resolution submitting the proposed bond issue to the electors. Notwithstanding the preliminary approval of any project as herein provided, such project shall be resubmitted to the city planning commission at the time and in the manner specified in paragraph (b). The location and nature of each project shall be determined by the board of education and reviewed by the city planning commission at the time, with reference to the circumstances then existing. Nothing herein shall prevent the revision or elimination of any project previously given preliminary approval or the substitution of another project therefor, by the procedure specified in paragraph (b), if considered necessary by the board to fulfill its responsibilities for public education, and for the construction of school facilities so far as possible in accordance with the comprehensive city plan, provided however no such revision, elimination, or substitution shall be made unless approved by unanimous vote of all members of the board of education. Notwithstanding

anything to the contrary contained in this act no election shall be held on a proposed issue of bonds on a date earlier than 60 days after preliminary approval or disapproval by the city planning commission.

(b) The school district shall not expend the proceeds of bonds for any purpose provided for in subdivisions 1 to 6 requiring approval of the city planning commission unless a proposed resolution stating the location and general description of the project or undertaking shall have been submitted to the city planning commission for consideration of the proposed project or undertaking as being in accordance with the comprehensive plan of the city of Minneapolis. The commission may state its approval or disapproval of the proposed project or undertaking within 60 days thereafter. A failure on the part of the commission to state its disapproval within 60 days after receipt of such resolution shall be deemed an approval. In the event the commission shall disapprove any proposed project or undertaking, a unanimous vote of the members of the board of education shall be required for the adoption of the resolution.

History: *1959 c 462 s 3; 1963 c 645 s 3; 1969 c 994 s 1; 1975 c 320 s 1; 1980 c 525 s 2; 1989 c 329 art 5 s 17; 1990 c 604 art 8 s 9; 1996 c 412 art 5 s 9-11; art 9 s 12; 2000 c 489 art 2 s 27; 1Sp2003 c 9 art 5 s 26; 1Sp2005 c 5 art 4 s 18; 2007 c 146 art 4 s 9; 2013 c 116 art 6 s 7*

128D.12 LIABILITY FOR EARLIER BONDED DEBT.

The special independent school district of Minneapolis shall be liable for all of the outstanding bonded indebtedness and interest thereon which is attributed to and connected with the acquisition of sites, construction, maintenance, rehabilitation, and operation of schools of the city of Minneapolis including any school bonds that have been refunded, which prior hereto have been issued by the city council or the Board of Estimate and Taxation of the city of Minneapolis.

History: *1959 c 462 s 3; 1963 c 645 s 3*

128D.13 LAW TO PUBLISH PROCEEDINGS DOES NOT APPLY.

The provisions of any statute requiring the publication of official proceedings of the board of an independent school district shall not be applicable to the special independent school district of Minneapolis established under the provisions of this chapter.

History: *1959 c 462 s 3; 1963 c 645 s 3*

128D.14 BOARD MEMBER REMOVAL LAW DOES NOT APPLY.

The provisions of section 123B.09, subdivision 9, concerning the removal of a board member or officer of an independent school district, shall not be applicable to the special independent school district of Minneapolis, established under the provisions of this chapter.

History: *1959 c 462 s 3; 1963 c 645 s 3; 1998 c 397 art 11 s 3*

128D.15 PROPERTY TRANSFERRED TO NEW SCHOOL DISTRICT.

Upon this section becoming effective, the special independent school district of Minneapolis shall become vested with title to all property and property rights, real, personal, or otherwise, owned by or in which the predecessor special school district has any right, title, or interest.

History: *1959 c 462 s 4; 1963 c 645 s 4*

128D.16 SHORT-TERM BORROWING.

Subdivision 1. **Tax anticipation certificates.** The board of education of the special independent school district of Minneapolis may borrow money upon negotiable promissory notes or certificates of indebtedness, in the manner and subject to the limitations set forth in this section, for the purpose of anticipating general taxes theretofore levied by the school district for school purposes, but the aggregate of such borrowing remaining unpaid at any time shall never exceed 50 percent of such taxes which are due and payable and remaining unpaid in the calendar year the borrowing is made, and as to which no penalty for nonpayment or delinquency has attached.

Subd. 2. **Aid anticipation certificates.** The school board may also borrow money in the manner and subject to the limitations hereinafter set forth in anticipation of receipt of state aid for schools and of federal school aids to be distributed by or through the Department of Education, but the aggregate of such borrowings remaining unpaid at any time shall never exceed 75 percent of such aids which are receivable by said school district in the calendar school year (from July 1 to the following June 30) in which the money is borrowed, as estimated and certified by the commissioner of education.

Subd. 3. **Board formalities.** Upon the passage of a resolution adopted by a vote of at least two-thirds of its members, which resolution specifies the amount and purposes for which it deems such borrowing is necessary, the board may authorize and effect such borrowing as provided for in subdivisions 1 and 2, and may issue certificates of indebtedness for the same. The board shall fix the amount, date, maturity, form, denomination, and other details of such certificates, not inconsistent herewith, and shall fix the date and place for receipt of bids for the purchase thereof and direct the clerk to give notice thereof.

Subd. 4. **Not net debt.** Such certificates not in default shall not be deemed net debt under any law limiting indebtedness.

Subd. 5. **Pay from receipts.** The proceeds of the current tax levies and future state aid receipts or other school funds which may become available shall be applied to the extent necessary to repay such certificates.

Subd. 6. **Full faith and credit pledge.** The full faith and credit of the school district shall be pledged to their payment.

Subd. 7. **Maturity.** They shall mature not later than the anticipated date of receipt in full of school taxes for the current year or of the aids so anticipated as estimated by the commissioner of education, but in no event shall tax anticipation certificates mature later than three months after the close of the calendar year or school aid anticipation certificates later than three months after the close of the school year in which they are issued, respectively.

Subd. 8. **Sold at not less than par.** The certificates shall be sold at not less than par.

Subd. 9. **Interest.** The certificates shall bear interest after maturity until paid at the rate they bore before maturity, and any interest accruing before or after maturity shall be paid from school funds as is provided for in subdivisions 1 and 2.

Subd. 10. **Sale procedures.** The clerk of the board shall give notice of the proposed sale, calling for bids thereon at the time and place so specified, by at least one publication in a daily newspaper published in the school district, at least three days before such date of sale. At the time and place so fixed, such certificates may be sold by the officers of the board designated in the resolution to the bidder who will agree to purchase the same on terms deemed most favorable to the school district. Such certificates shall be signed in behalf of the school district by the chairman and clerk and countersigned by the treasurer and delivered by the treasurer upon receipt of the purchase price thereof.

Subd. 11. **Use of proceeds; purchasers not liable.** The moneys so received shall be disbursed solely for the purposes for which such taxes are levied or aids are receivable. The purchaser of such certificates shall not be obligated to see to such application of the proceeds.

History: *1959 c 462 s 5; 1961 c 565 s 2; 1963 c 645 s 5; 1967 c 661 s 4; 1Sp1995 c 3 art 16 s 13; 2003 c 130 s 12*

128D.17 INVESTMENTS.

The school board may invest any funds not currently needed by the district in bonds of the state of Minnesota, or in bonds of any county, city, home rule charter or statutory city, or school district in Minnesota, or in bonds of the United States, or in United States Treasury bills, certificates of indebtedness, or Treasury notes, all of which must mature within one year from the date of purchase.

History: *1959 c 462 s 5*

128D.18 MS 2010 [Repealed, 2012 c 286 art 8 s 10]