

CHAPTER 258—H.F.No. 983

An act relating to education; adding post-secondary vocational technical representation to UFARS and ESV computer councils; providing for certain duties of the state board of vocational technical education and the state director of vocational technical education; providing for uniform statutory terminology; amending Minnesota Statutes 1986, sections 120.05; 121.901, subdivision 1; 121.933; 121.934, subdivisions 1 and 2; 123.37, subdivision 1a; 126.12, subdivision 2; 136C.04, subdivision 12, and by adding a subdivision; and 136C.29, subdivision 5; repealing Minnesota Statutes 1986, sections 136C.32; and 136C.35.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 120.05, is amended to read:

120.05 PUBLIC SCHOOLS.

Subdivision 1. **CLASSIFICATION.** For the purpose of administration all public schools are classified under the following heads, provided the requirements in subdivision 2 are met:

- (1) Elementary,
- (2) Middle school,
- (3) Secondary,
- (4) Vocational center school,
- (5) ~~Area vocational Technical school.~~

Subd. 2. **DEFINITIONS.** (1) Elementary school means any school with building, equipment, courses of study, class schedules, enrollment of pupils ordinarily in grades one through six or any portion thereof and staff meeting the standards established by the state board of education.

(a) The state board of education shall not close a school or deny any state aids to a district for its elementary schools because of enrollment limitations classified in accordance with the provisions of subdivision 2, clause (1).

(2) Middle school means any school other than a secondary school giving an approved course of study in a minimum of three consecutive grades above fourth but below tenth with building, equipment, courses of study, class schedules, enrollment and staff meeting the standards established by the state board of education.

(3) Secondary school means any school with building, equipment, courses of study, class schedules, enrollment of pupils ordinarily in grades seven through twelve or any portion thereof and staff meeting the standards established by the state board of education.

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(4) A vocational center school is one serving a group of secondary schools with approved areas of secondary vocational training and offering vocational secondary and adult programs necessary to meet local needs and meeting standards established by the state board of education.

~~(5) An area vocational technical school is a school operated according to the standards established by the state board of vocational technical education.~~

Sec. 2. Minnesota Statutes 1986, section 121.901, subdivision 1, is amended to read:

Subdivision 1. There is created an advisory council on uniform financial accounting and reporting standards, composed of 13 members appointed as follows:

(1) Two employees of the state department of education appointed by the commissioner of education;

(2) An employee of the office of state auditor appointed by the state auditor;

(3) One licensed certified public accountant appointed by the state board of education;

(4) ~~Nine~~ Eight persons who are representative of the various size school districts in the state and who are public school employees whose positions involve activities related to school financing and accounting, appointed by the state board; and

(5) One person appointed by the state director of vocational technical education.

Professional associations composed of persons eligible to be appointed under clauses (3) and (4) may recommend nominees from their associations to the state board.

Sec. 3. Minnesota Statutes 1986, section 121.933, is amended to read:

121.933 STATEWIDE MANAGEMENT INFORMATION SYSTEM; DELEGATION OF POWERS AND DUTIES.

Subdivision 1. **PERMITTED DELEGATIONS.** The state board of vocational technical education, the state board of education, and the department may provide, by the delegation of powers and duties or by contract, for the implementation and technical support of ESV-IS and SDE-IS, including the development of applications software pursuant to section 121.931, subdivision 5, by the Minnesota educational computing consortium, by a regional management information center or by any other appropriate provider.

Subd. 2. **PROHIBITED DELEGATIONS.** The state board of vocational technical education, the state board of education, and the department may not

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delegate to the Minnesota educational computing consortium any of their powers and duties to develop policy and to plan for ESV-IS and SDE-IS, to monitor and enforce compliance with rules and data standards, or to approve the actions of districts and regions. Powers and duties which may not be delegated include the powers and duties in sections 121.931, subdivisions 3, 4, 6, 7, and 8 and 121.932, subdivisions 1 and 2.

Sec. 4. Minnesota Statutes 1986, section 121.934, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** An advisory council to the state board ~~consisting of 11 members~~ appointed by the governor is hereby established. Section 15.059, subdivisions 2, 4, and 5, shall govern membership terms, compensation of members, removal of members, and the filling of membership vacancies shall be as provided in section 15.059. The governor is encouraged to solicit the suggestions of the state board, the governing boards of regional management information centers, and school boards in selecting members of the council.

Sec. 5. Minnesota Statutes 1986, section 121.934, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP.** The council shall be composed of:

(a) four representatives of school districts, including one school district administrator from a rural school district, one school district administrator from an urban school district, one school board member from a rural school district, and one school board member from an urban school district;

(b) three persons employed in management positions in the private sector, at least two of whom are data processing managers or hold an equivalent position in the private sector;

(c) three persons employed in management positions in the public sector other than elementary, secondary, or vocational education, at least two of whom are data processing managers or hold an equivalent position in the public sector; ~~and~~

(d) one person from the general public; and

(e) one person representing post-secondary vocational technical education.

Members selected pursuant to clauses (b) and (c) shall not be employees or board members of local school districts or the department of education. The council shall include at least one resident of each congressional district.

Sec. 6. Minnesota Statutes 1986, section 123.37, subdivision 1a, is amended to read:

Subd. 1a. The board may authorize its superintendent or business manager, or technical institute director in those districts operating a technical institute, to

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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.

Sec. 7. Minnesota Statutes 1986, section 126.12, subdivision 2, is amended to read:

Subd. 2. Except for technical institutes, every Saturday shall be a school holiday, except that school may be held on a Saturday if necessary to meet the requirement in section 124.19 of making a good faith attempt to make up time lost on account of circumstances which were beyond the control of the school board. The school board shall determine the number of school days of each school year on or before April 1 of the calendar year in which such school year commences.

Sec. 8. Minnesota Statutes 1986, section 136C.04, subdivision 12, is amended to read:

Subd. 12. **PROGRAMS AND COURSES.** The state board shall approve, disapprove, and coordinate programs and courses. 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 and courses 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 and courses.

In the case of intermediate districts, the state board may apply the following criteria when adding, eliminating, transferring, or changing programs and courses:

(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.

Sec. 9. Minnesota Statutes 1986, section 136C.04, is amended by adding a subdivision to read:

Subd. 19. **GIFTS; BEQUESTS.** The state board may receive and accept on behalf of the state any gift, bequest, devise, or endowment that any person, firm, corporation, or association makes to the board by will, deed, gift, devise, endowment, or otherwise for the purpose of vocational technical education. Use of the money may not be inconsistent with the terms and conditions under which the money was received by the board. Gifts, bequests, devises, or endowments are appropriated to the board for the purposes stated. All taxes and special assessments constituting a lien on real property received and accepted by the board under this subdivision must be paid in full before title is transferred.

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Sec. 10. Minnesota Statutes 1986, section 136C.29, subdivision 5, is amended to read:

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.

Sec. 11. **REPEALER.**

Minnesota Statutes 1986, sections 136C.32 and 136C.35, are repealed.

Sec. 12. **INSTRUCTION TO REVISOR.**

The revisor of statutes is instructed to change the words "AVTI," "area vocational technical institute," "vocational technical institute," "area vocational technical school," "vocational technical school," "vocational school," "vocational institute," "technical school," and "school," and the plurals of each to "technical institute" or "technical institutes" when they refer to an institute operated according to standards established by the state board of vocational technical education. The change shall be made in Minnesota Statutes 1988 and subsequent editions of the statutes.

Approved May 27, 1987

CHAPTER 259—H.F.No. 1026

An act relating to retirement; clarifying the responsibilities of the actuary retained by the legislative commission on pensions and retirement; clarifying and revising various actuarial determinations and procedures; authorizing the retention of actuarial advisors by various retirement funds; specifying the contents and methods for supplemental and alternative actuarial valuations; establishing a separate fund for the correctional employees retirement fund; amending Minnesota Statutes 1986, sections 3.85, subdivision 12; 3A.11, subdivision 1; 11A.18, subdivisions 6, 9, and 11; 69.77, subdivisions 2b and 2h; 69.772, subdivision 3; 69.773, subdivisions 2 and 4; 136.82, subdivision 2; 352.01, subdivision 12; 352.03, subdivision 6; 352.116, subdivisions 1, 3, and by adding a subdivision; 352.119, subdivision 2; 352.85, subdivision 6; 352.86, subdivision 4; 352B.01, by adding a subdivision; 352B.02, subdivision 1; 352B.08, subdivision 2; 352B.26, subdivision 3; 353.01, subdivision 14; 353.03, subdivision 3a; 353.271; 353.29, subdivision 6; 353.30, subdivision 3; 354.05, subdivision 7; 354.06, subdivision 2a; 354.07, subdivision 1; 354.35; 354.42, subdivision 5; 354.44, subdivi-

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