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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1007

02/28/2013 Authored by Bly
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; creating a new intermediate school district in Carver, Scott,
1.3 and LeSeuer counties; proposing coding for new law in Minnesota Statutes,
1.4 chapter 136D.

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

1.6 Section 1. **[136D.41] LISTED DISTRICTS MAY FORM INTERMEDIATE**
1.7 **DISTRICT.**

1.8 Notwithstanding any other law to the contrary, two or more of the Independent School
1.9 Districts Nos. 108, 110, 111, and 112 of Carver County, Independent School Districts Nos.
1.10 716, 717, 719, 720, and 721 of Scott County, and Independent School District No. 2905 of
1.11 LeSeuer County, whether or not contiguous, may enter into agreements to accomplish
1.12 jointly and cooperatively the acquisition, betterment, construction, maintenance, and
1.13 operation of facilities for, and instruction in, special education, career and technical
1.14 education, adult basic education, and alternative education. Each school district that
1.15 becomes a party to such an agreement is a "participating school district" for purposes
1.16 of sections 136D.41 to 136D.49. The agreement may provide for the exercise of these
1.17 powers by a joint school board created as set forth in sections 136D.41 to 136D.49.

1.18 Sec. 2. **[136D.42] JOINT SCHOOL BOARD; MEMBERS; BYLAWS.**

1.19 Subdivision 1. **Board.** The agreement shall provide for a joint school board
1.20 representing the parties to the agreement. The agreement shall specify the name of the
1.21 board, the number and manner of election or appointment of its members, their terms and
1.22 qualifications, and other necessary and desirable provisions.

2.1 Subd. 2. **Bylaws.** The board may adopt bylaws specifying the duties and powers of
2.2 its officers and the meeting dates of the board, and containing such other provisions as
2.3 may be usual and necessary for the efficient conduct of the business of the board.

2.4 **Sec. 3. [136D.43] STATUS OF JOINT SCHOOL BOARD.**

2.5 Subdivision 1. **Public agency.** The joint school board shall be a public agency of the
2.6 participating school districts and may receive and disburse federal and state funds made
2.7 available to it or to the participating school districts.

2.8 Subd. 2. **Liability.** No participating school district shall have individual liability
2.9 for the debts and obligations of the board, nor shall any individual serving as a member
2.10 of the board have such liability.

2.11 Subd. 3. **Tax exempt.** Any properties, real or personal, acquired, owned, leased,
2.12 controlled, used, or occupied by the board for its purposes shall be exempt from taxation
2.13 by the state or any of its political subdivisions.

2.14 **Sec. 4. [136D.44] JOINT BOARD HAS ALL POWERS OF MEMBER**
2.15 **DISTRICTS.**

2.16 To effectuate the agreement, the joint school board shall have all the powers granted
2.17 by law to any or all of the participating school districts with the exception of bond and
2.18 levy authority beyond lease-levy.

2.19 **Sec. 5. [136D.45] AGREEMENT APPROVAL; NOTICE; PETITION;**
2.20 **REFERENDUM.**

2.21 Subdivision 1. **Resolution.** The agreement shall, before it becomes effective, be
2.22 approved by a resolution adopted by the school board of each school district named therein.

2.23 Subd. 2. **When effective.** Each resolution shall be published once in a newspaper
2.24 published in the district, if there is one, or in a newspaper having general circulation in the
2.25 district, and shall become effective 30 days after publication, unless within the 30-day
2.26 period a petition for referendum on the resolution is filed with the school board, signed by
2.27 qualified voters of the school district equal in number to five percent of the number of
2.28 voters voting at the last annual school district election. In such case, the resolution shall
2.29 not become effective until approved by a majority of the voters voting thereon at a regular
2.30 or special election. The agreement may provide conditions under which it shall become
2.31 effective even though it may not be approved in all districts.

3.1 Sec. 6. **[136D.46] DISTRICT CONTRIBUTIONS, DISBURSEMENTS,**
 3.2 **CONTRACTS.**

3.3 The participating school districts may contribute funds to the board. Disbursements
 3.4 shall be made by the board in accordance with sections 123B.14, 123B.143, and 123B.147.
 3.5 The board shall be subject to section 123B.52, subdivisions 1, 2, 3, and 5.

3.6 Sec. 7. **[136D.47] TERM OF AGREEMENT.**

3.7 The agreement shall state the term of its duration and may provide for the method of
 3.8 termination and distribution of assets after payment of all liabilities of the joint school
 3.9 board.

3.10 Sec. 8. **[136D.48] NON-POSTSECONDARY PROGRAMS; LICENSED**
 3.11 **DIRECTION.**

3.12 The board may also provide any other educational programs or other services
 3.13 requested by a participating district. However, these programs and services may not be
 3.14 postsecondary programs or services. Academic offerings shall be provided only under the
 3.15 direction of properly licensed academic supervisory personnel.

3.16 Sec. 9. **[136D.49] OTHER MEMBERSHIP AND POWERS.**

3.17 In addition to the districts listed in sections 136D.21, 136D.41, 136D.71, and
 3.18 136D.81, the agreement of an intermediate school district established under this chapter
 3.19 may provide for the membership of other school districts and cities, counties, and other
 3.20 governmental units as defined in section 471.59. In addition to the powers listed in
 3.21 sections 136D.25, 136D.73, and 136D.84, an intermediate school board may provide the
 3.22 services defined in section 123A.21, subdivisions 7 and 8.