

## CHAPTER 128

## STATE AND FEDERAL SCHOOL AIDS

**128.01 STATE AID FUNDS; SOURCES.**

**HISTORY.** 1921 c. 467 s. 1; G.S. 1923 s. 3022; M.S. 1927 s. 3022; 1941 c. 169 art. 9 s. 1.

Moneys received under Laws 1931, Chapter 410, may be used for any lawful school purpose, such as the payment of judgments against the district. OAG Oct. 9, 1931.

There is no authority in law for any apportionment of state school funds or special state aid to a teachers college. OAG Jan. 26, 1935 (8b).

State aid must be applied to outstanding warrants. OAG Nov. 1, 1938 (168b).

The distribution of aid to schools is subject to Laws 1939, Chapter 43, art. 2 s. 16(f), permitting the commissioner of administration to withhold funds when collections are insufficient, subject to certain priorities by special statutes. OAG Aug. 9, 1939 (640a).

A closed school transporting all of its pupils to a parochial school could not receive special state aid, but is entitled to that aid where it retains its organization and transports part of its students to a public school. OAG Aug. 17, 1939 (168).

A new high school in a new high school area must first qualify as a classified high school, pursuant to the rules and regulations of the state board of education, or the students in the district dealing with such high school would lose their state aid for tuition and transportation. OAG Aug. 31, 1939 (170-c).

Note special provision as to receipts from the Rabbit Lake iron ore lease. OAG Feb. 1, 1944 (454e).

**128.015 INCOME TAX MONEY MAY BE USED FOR CURRENT MAINTENANCE.**

**HISTORY.** 1941 c. 21.

**128.02 APPORTIONMENT OF ENDOWMENT FUND.**

**HISTORY.** 1873 c. 1 ss. 84, 85; 1877 c. 74 subc. 5 ss. 1, 2; G.S. 1878 c. 36 ss. 75, 76; 1883 c. 54 s. 1; 1887 c. 41 s. 1; G.S. 1894 ss. 3759, 3760; R.L. 1905 s. 1397; G.S. 1913 s. 2895; 1921 c. 467 ss. 2, 16; 1923 c. 322 s. 1; G.S. 1923 ss. 2993, 3023; M.S. 1927 ss. 2993, 3023; 1935 c. 290 ss. 1, 2; M. Supp. s. 2993; 1941 c. 169 art. 9 s. 2.

The state board of education has authority to count only the days that the schools are actually in session in a given school district in determining the average daily attendance, and need not count the days on which a school is closed for legal holidays, teachers' conventions, epidemics, or very stormy weather. OAG July 22, 1935 (168d).

School districts having terms of only seven months during the school year 1934-1935 are entitled to share in the apportionment of the endowment fund in October, 1935, and March, 1936, if they vote an eight months' school term. OAG July 22, 1935 (168d).

Students enrolled in high school teacher training schools are to be counted as scholars in the apportionment of the current school fund. OAG July 25, 1931.

Apportionment cannot be made on the basis of per capita in cities of the first class. OAG Jan. 5, 1937 (8b).

Keeping school for five days each week, and four weeks constitute a month. Attending school on Saturday is purely voluntary on the part of teacher and pupils. 1942 OAG 56, Jan. 16, 1942 (160c).

# MINNESOTA STATUTES 1945 ANNOTATIONS

797

STATE AND FEDERAL SCHOOL AIDS 128.07

Students of private or parochial schools may attend special classes in the public school; but they cannot be counted in the state aid apportionment. OAG Dec. 5, 1944 (166a-7).

See, An Outline of Municipal Bond Procedure in Minnesota, 20 MLR 583.

## 128.03 APPORTIONMENT OF CURRENT SCHOOL FUND.

HISTORY. 1921 c. 467 s. 3; G.S. 1923 s. 3024; M.S. 1927 s. 3024; 1941 c. 169 art. 9 s. 3.

## 128.04 APPORTIONMENT.

HISTORY. 1873 c. 1 ss. 86, 87; 1877 c. 74 subc. 5 ss. 3 to 7; G.S. 1878 c. 36 ss. 77 to 81; 1883 c. 54 s. 2; 1887 c. 41 s. 2; G.S. 1894 ss. 3761 to 3765; R.L. 1905 ss. 1398, 1399, 1401; 1919 c. 412 ss. 1, 2; M.S. 1927 ss. 2994, 2995, 2997; 1931 c. 312 ss. 1, 2; 1941 c. 169 art. 9 s. 4.

At the time of apportionment the county auditor should notify each school district of the amount apportioned to it, but has some discretion as to the time and manner of making the payment. OAG Oct. 6, 1931.

The county auditor is not to deduct the amount due the state on state loans before making distribution to school district. OAG Nov. 13, 1934 (531-L).

## 128.05 DISTRIBUTION OF SPECIAL STATE AID FUND.

HISTORY. 1921 c. 467 s. 4; G.S. 1923 s. 3025; M.S. 1927 s. 3025; 1941 c. 169 art. 9 s. 5.

Teachers colleges are not entitled to state apportionment or special state school aid. 1936 OAG 199, Jan. 26, 1935 (8-b).

## 128.06 PURPOSES OF SPECIAL STATE AID.

HISTORY. 1921 c. 467 s. 6; G.S. 1923 s. 3027; M.S. 1927 s. 3027; 1941 c. 169 art. 9 s. 6.

Supplemental aid may not be paid to a district for educational facilities furnished to pupils who are non-residents of the state. OAG Oct. 12, 1931.

## 128.07 TRANSPORTATION AID.

HISTORY. 1915 c. 238 ss. 2, 9; 1921 c. 230; 1921 c. 467 s. 7; 1923 c. 266 s. 1; G.S. 1923 ss. 2755, 2762, 3028; M.S. 1927 ss. 2755, 2762, 3028; 1931 c. 280 s. 1; 1933 c. 224; 1935 c. 209; 1935 c. 288 s. 2; 1935 c. 336; Ex. 1937 c. 78 s. 1; M. Supp. ss. 2822-3, 3028; 1941 c. 169 art. 9 s. 7; 1945 c. 373 s. 2.

The state is liable for the tuition of high school pupils residing in a county district organized under Laws 1929, Chapter 9, where they attend high school in another county, though the former maintains a high school. OAG Dec. 9, 1929.

A student living on the Fort Snelling reservation and attending high school in St. Paul may not be included for state tuition aid under this section. OAG Feb. 10, 1930.

Tuition aid can be granted for wards of the state public school attending the Owatonna high school. OAG April 19, 1937 (180).

The state board may establish areas and withhold special state aid for pupils transported contrary to regulations. OAG Oct. 22, 1937 (161b-15).

A school district not maintaining a high school is entitled to aid where it transports pupils at its own expense to a district other than that to which its area is assigned by the county districting committee. OAG Oct. 10, 1938 (161b-15).

The board of education has no power to revoke the rights and privileges of a consolidated school district. OAG June 21, 1933.

The amendment by Laws 1935, Chapter 336, changed the section only insofar as crippled children attending special classes are concerned. OAG Jan. 15, 1936 (840a-4).

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 128.08 STATE AND FEDERAL SCHOOL AIDS

798

"Family transportation" cannot be arranged for at the expense of the district with right of contribution from state appropriations where there is already a bus route or routes established and functioning. *Perszyk v School District*, 212 M 516, 4 NW(2d) 321.

### 128.08 TUITION.

HISTORY. 1921 c. 467 s. 7; 1923 c. 266 s. 1; G.S. 1923 s. 3028; M.S. 1927 s. 3028; 1933 c. 224; 1935 c. 209; 1935 c. 288 s. 2; Ex. 1937 c. 78 s. 1; M. Supp. s. 3028; 1941 c. 169 art. 9 s. 8; 1941 c. 328.

Subdivision 3, relates to counties with a population of over 300,000 only. OAG Sept. 18, 1944 (159a-22).

### 128.09 AID FOR SCHOOL LIBRARIES.

HISTORY. 1921 c. 467 s. 1; 1923 c. 266 s. 1; G.S. 1923 s. 3028; M.S. 1927 s. 3028; 1933 c. 224; 1935 c. 209; 1935 c. 288 s. 2; Ex. 1937 c. 78 s. 1; M. Supp. s. 3028; 1941 c. 169 art. 9 s. 9.

### 128.10 CLASSIFICATION AID.

HISTORY. 1921 c. 467 ss. 8, 10; 1923 c. 331 s. 1; 1923 c. 332 s. 1; 1923 c. 382 s. 1; 1925 c. 412; G.S. 1923 ss. 3029, 3031; M.S. 1927 ss. 3029, 3031; 1935 c. 288 ss. 3, 5; Ex. 1937 c. 78 s. 2; M. Supp. ss. 3029, 3031; 1941 c. 169 art. 9 s. 10.

The school week consists of five days beginning on Monday and ending Friday; four of these weeks make a school month; and nine of these months make a school year. This classification is definite as far as computation for school aid is concerned. 1942 OAG 56, Jan. 16, 1942 (460-C).

### 128.11 SUPPLEMENTAL AID; BASIS FOR COMPUTATION.

HISTORY. 1921 c. 467 s. 9; 1923 c. 330 s. 1; G.S. 1923 s. 3030; M.S. 1927 s. 3030; 1935 c. 288 s. 4; Ex. 1937 c. 78 s. 3; M. Supp. s. 3030; 1941 c. 169 art. 9 s. 11.

Students enrolled in high school teacher training departments are to be counted as pupils in computing the supplemental aid to which a district is entitled by this section. OAG July 25, 1931.

In order to determine the levy for school maintenance, within the meaning of this section, of any independent school district to which Laws 1933, Chapter 356, is applicable, the commissioner of education should divide the total amount levied for school maintenance purposes in the school district by the total assessed valuation of the district and, if the levy thus arrived at exceeds 20 mills, then such additional state aid should be allowed to the school district. OAG Feb. 2, 1934.

In determining supplementary aid the state board of education has authority to exclude from the number of pupils counted all those enrolled in kindergarten or spring primary classes and high school graduates enrolled for post graduate high school work. OAG July 22, 1935 (168d).

Delinquent taxes levied previous to 1935 but paid in subsequent years are not to be computed as "proceeds." 1936 OAG 195, Nov. 25, 1936 (426a-2).

Building aid must be included when determining the amount of supplemental aid due the district. OAG March 18, 1937 (168a).

In case of mistake aid may be granted though the tax rate is less than 30 mills. OAG March 28, 1938 (519m).

Donations by the executive council cannot be construed as apportionment or special state aid. OAG Dec. 7, 1938 (168a).

Where the sum voted for taxes would require a levy of 134.8 mills, but the county auditor, in making computation, made an error and levied only 13.48 mills, the district is entitled to supplemental school aid conditioned upon a levy for the ensuing year of 30 mills plus the difference between 13.48 mills and 30 mills. OAG June 7, 1939 (519m).

High schools defined and classified. OAG March 15, 1944 (168d).

# MINNESOTA STATUTES 1945 ANNOTATIONS

799

STATE AND FEDERAL SCHOOL AIDS 128.18

## **128.111 LIMITATION ON CERTAIN CHARGES AGAINST SUPPLEMENTAL AID.**

HISTORY. 1943 c. 306 s. 1; 1945 c. 268 s. 1.

## **128.12 STATE AID FOR VOCATIONAL EDUCATION.**

HISTORY. 1921 c. 467 s. 10; 1923 c. 331 s. 1; 1923 c. 382 s. 1; G.S. 1923 s. 3031; M.S. 1927 s. 3031; 1935 c. 288 s. 5; M. Supp. s. 3031; 1941 c. 169 art. 9 s. 12; 1943 c. 498 s. 1.

## **128.13 STATE AID FOR SPECIAL CLASSES FOR HANDICAPPED CHILDREN.**

HISTORY. 1915 c. 194 s. 1; 1919 c. 218; 1921 c. 467 s. 10; 1923 c. 228; 1923 c. 331 s. 1; 1923 c. 382 s. 1; G.S. 1923 ss. 2894, 3031; M.S. 1927 ss. 2894, 3031; 1935 c. 288 s. 5; M. Supp. s. 3031; 1941 c. 169 art. 9 s. 13, 1943 c. 498 s. 1.

The state board of education may by rule prescribe rules in modification of the statute, so that a portion of the funds provided for handicapped children may be used for transportation. OAG Feb. 28, 1944 (169d); OAG March 21, 1944 (169d).

This section concerns instruction furnished to handicapped children in the district school. It does not contemplate paying support or tuition at Michael Dowling School. OAG Oct. 23, 1944 (169d).

## **128.14 STATE AND FEDERAL AID FOR EVENING SCHOOLS.**

HISTORY. 1917 c. 356 c. 3; 1921 c. 350 s. 3; 1921 c. 354 s. 4; 1921 c. 467 s. 10; 1923 c. 331 s. 1; 1923 c. 382 s. 1; G.S. 1923 ss. 2829, 2830, 3031; M.S. 1927 ss. 2829, 2830, 3031; 1935 c. 288 s. 5; M. Supp. s. 3031; 1941 c. 169 art. 9 s. 14.

## **128.15 AID FOR TEACHER TRAINING IN HIGH SCHOOLS.**

HISTORY. 1921 c. 467 s. 11; G.S. 1923 s. 3032; M.S. 1927 s. 3032; 1939 c. 437 s. 7; M. Supp. s. 3032; 1941 c. 169 art. 9 s. 15.

Students enrolled in high school teacher training departments are to be counted as pupils in computing the supplemental aid to which a district may be entitled under section 128.11. OAG July 25, 1931.

The rules must be reasonable and limited to the method of conducting the teacher training department, the qualification of teachers, the curriculum, and similar subjects, but the board has no power to enact arbitrary rules determining the number of teacher training departments that can be established and arbitrarily refuse to approve of the establishment of a department if the standards set are complied with, and if the teacher training departments established meet standards adopted by the board, they are entitled to aid notwithstanding the refusal of the state board to approve. OAG March 9, 1938 (160-L).

## **128.16 TRANSFER FROM CURRENT TO SPECIAL STATE FUND.**

HISTORY. 1927 c. 396 s. 3; M.S. 1927 s. 3036-8; 1935 c. 288 s. 8; M. Supp. s. 3036-8; 1941 c. 169 art. 9 s. 16.

Laws 1939, Chapter 288, Section 8, amending Mason's Supplement Section 3036-8, is valid, although the section is not referred to in the title to chapter 288. OAG July 22, 1935 (168d).

## **128.17 PRORATION OF STATE AID FUND.**

HISTORY. 1927 c. 396 ss. 2, 4; M.S. 1927 s. 3036-9; 1935 c. 288 ss. 7, 9; M. Supp. s. 3036-9; 1941 c. 169 art. 9 s. 17.

## **128.18 PAYMENT OF SPECIAL STATE AID.**

HISTORY. 1921 c. 467 s. 13; G.S. 1923 s. 3034; M.S. 1927 s. 3034; 1941 c. 169 art. 9 s. 18.

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 128.19 STATE AND FEDERAL SCHOOL AIDS

800

"On or before the first of October of each year it shall be the duty of the commissioner of education to deliver to the state auditor a certificate etc." This duty is assigned to the superintendent and to no one else and he cannot avoid responsibility by delegating the statutory duty to inefficient subordinates. State ex rel v State Board, 213 M 200, 6 NW(2d) 251.

A special fund for the payment of teachers' salaries for the current year may be set up by an unorganized district and the allotment for state aid, or any part thereof, may be placed in such fund. OAG Sept. 5, 1933.

### 128.19 UNUSED MONEY TO BE APPORTIONED.

HISTORY. 1921 c. 467 s. 14; G.S. 1923 s. 3035; M.S. 1927 s. 3035; 1941 c. 169 art. 9 s. 19.

### 128.20 INCOME TAX SCHOOL FUND.

HISTORY. 1873 c. 1 ss. 15, 84; 1877 c. 74 subc. 2 s. 13; 1877 c. 74 subc. 5 s. 1; G.S. 1878 c. 36 ss. 31, 75; 1879 c. 17 s. 2; 1883 c. 54 s. 1; 1887 c. 41 s. 1; G.S. 1894 ss. 3694, 3759; R.L. 1905 s. 1345; G.S. 1913 s. 2833; G.S. 1923 s. 2904; M.S. 1927 s. 2904; 1941 c. 169 art. 9 s. 20.

### 128.21 COUNTY BOARDS TO APPROPRIATE MONEY FOR COUNTY EDUCATIONAL WORK.

HISTORY. 1921 c. 467 s. 12; G.S. 1923 s. 3033; M.S. 1927 s. 3033; 1941 c. 169 art. 9 s. 21.

### 128.22 GROSS EARNINGS AID: CERTAIN DISTRICTS.

HISTORY. 1921 c. 271 ss. 1 to 3; G.S. 1923 ss. 3036-1, 3036-2, 3036-3; 1927 c. 338 s. 1; M.S. 1927 ss. 3036-1, 3036-2, 3036-3; 1941 c. 169 art. 9 s. 22; 1945 c. 267 s. 1.

Where an appropriation is insufficient to pay in full the aid authorized by this section and section 128.23, subd. 1, the same rate of pro-rating should be applied to the amounts due under both. OAG Aug. 28, 1931.

The term "pupil" is confined to persons between five and 21. OAG Sept. 3, 1935 (168).

Students in special departments and junior colleges are not included in computing state aid. Only pupils in elementary and secondary schools are counted. OAG Jan. 17, 1944 (168).

### 128.23 GROSS EARNINGS AID; COUNTY SCHOOL DISTRICTS.

HISTORY. 1931 c. 143 ss. 1 to 3; M. Supp. ss. 3036-17, 3036-18, 3036-19; 1941 c. 169 art. 9 s. 23; 1941 c. 500; 1945 c. 266 s. 1.

Moneys received under this section may be used for any lawful school purpose, such as the payment of a judgment against the district. OAG Oct. 9, 1931.

### 128.24 AID IN LIEU OF TAXES.

HISTORY. 1911 c. 341 ss. 1 to 4; Ex. 1936 c. 61 s. 2; M. Supp. ss. 3021-11, 3021-12, 3021-13, 3021-14; 1941 c. 169 art. 9 s. 24.

### 128.25 FEDERAL AID IN LIEU OF TAXES; NATIONAL FORESTS.

HISTORY. 1931 c. 383; M. Supp. s. 2997-2; 1941 c. 169 art. 9 s. 25.

The county commissioners should establish a separate fund for the county share of proceeds from forest lands sold out of national forests. One half of said fund must be for the benefit of the schools and the other half for public roads. OAG Jan. 25, 1942 (159a-10).

Moneys paid by the federal government to the state treasurer for the benefit of counties wherein lie the Superior national forest lands, must be divided equally

# MINNESOTA STATUTES 1945 ANNOTATIONS

801

STATE AND FEDERAL SCHOOL AIDS 128.36

when received by the county board between the schools and the public roads. 1942 OAG 44, March 25, 1942 (159a-10).

## **128.26 ACCEPTANCE OF FEDERAL PROVISIONS RELATING TO VOCATIONAL EDUCATION.**

HISTORY. 1917 c. 491 s. 1; G.S. 1923 s. 3041; M.S. 1927 s. 3041; 1939 c. 145 s. 5; M. Supp. s. 3041; 1941 c. 169 art. 9 s. 26.

The division of rehabilitation and reeducation is not a part of the department of education but is under the control of the board of education acting, not as a board of education, as a state board of vocational education, and the commissioner of education has no powers over the division of rehabilitation and reeducation. OAG Jan. 3, 1935 (397).

## **128.27 STATE BOARD OF EDUCATION TO ADMINISTER VOCATIONAL EDUCATION.**

HISTORY. 1917 c. 491 s. 2; G.S. 1923 s. 3042; M.S. 1927 s. 3042; 1939 c. 145 s. 6; M. Supp. s. 3042; 1941 c. 169 art. 9 s. 27.

## **128.28 APPOINTMENT OF OFFICIALS AND ASSISTANTS.**

HISTORY. 1919 c. 414 s. 4; G.S. 1923 s. 3040; M.S. 1927 s. 3040; 1939 c. 145 s. 4; M. Supp. s. 3040; 1941 c. 169 art. 9 s. 28.

## **128.29 STATE TREASURER, CUSTODIAN OF FEDERAL FUNDS.**

HISTORY. 1917 c. 491 s. 3; G.S. 1923 s. 3043; M.S. 1927 s. 3043; 1909 c. 145 s. 7; M. Supp. s. 3043; 1941 c. 169 art. 9 s. 29.

## **128.30 FEDERAL VOCATIONAL AID; CONTINUING STATE APPROPRIATION.**

HISTORY. 1919 c. 414 s. 1; G.S. 1923 s. 3037; M.S. 1927 s. 3037; 1939 c. 145 s. 1; M. Supp. s. 3037; 1941 c. 169 art. 9 s. 30.

## **128.31 VOCATIONAL AID; RULES GOVERNING DISBURSEMENT.**

HISTORY. 1919 c. 414 s. 2; 1921 c. 467 s. 20; G.S. 1923 s. 3038; M.S. 1927 s. 3038; 1939 c. 145 s. 2; M. Supp. s. 3038; 1941 c. 169 art. 9 s. 31; 1943 c. 572 s. 1; 1945 c. 374 s. 1.

## **128.32 DISTRICTS OR AGENCIES ENTITLED TO FEDERAL AID.**

HISTORY. 1917 c. 491 s. 4; G.S. 1923 s. 3044; M.S. 1927 s. 3044; 1939 c. 145 s. 8; M. Supp. s. 3044; 1941 c. 169 art. 9 s. 32.

## **128.33 FEDERAL AID FOR TEACHER TRAINING.**

HISTORY. 1917 c. 491 s. 4; G.S. 1923 s. 3044; M.S. 1927 s. 3044; 1939 c. 145 s. 8; M. Supp. s. 3044; 1941 c. 169 art. 9 s. 33.

## **128.34 DISBURSEMENTS OF VOCATIONAL AID; HOW MADE.**

HISTORY. 1917 c. 491 s. 5; G.S. 1923 s. 3045; M.S. 1927 s. 3045; 1939 c. 145 s. 9; M. Supp. s. 3045; 1941 c. 169 art. 9 s. 34.

## **128.35 REPORTS TO LEGISLATURE.**

HISTORY. 1917 c. 491 s. 6; G.S. 1923 s. 3046; M.S. 1927 s. 3046; 1939 c. 145 s. 10; M. Supp. s. 3046; 1941 c. 169 art. 9 s. 35.

## **128.36 ACCEPTANCE OF FEDERAL AID.**

HISTORY. 1939 c. 206 ss. 2 to 4; M. Supp. ss. 3047-2, 3047-3, 3047-4; 1941 c. 169 art. 9 s. 36.