

MINNESOTA STATUTES 1975 SUPPLEMENT

117.232 EMINENT DOMAIN

cooperative associations organized pursuant to section 308.05.

[1975 c 175 s 2]

[For text of subd 2, see M.S.1974]

CHAPTER 120. DEFINITIONS; GENERAL PROVISIONS

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120.01 Citation, education code.

Chapters 120 to 129 may be cited as the education code.

[1975 c 162 s 1]

120.02 Definitions.

[For text of subds 1 to 6, see M.S.1974]

Subd. 7. [Repealed, 1975 c 162 s 42]

[For text of subds 8 and 9, see M.S.1974]

Subd. 10. [Repealed, 1975 c 162 s 42]

[For text of subds 11 to 15, see M.S.1974]

Subd. 17. [Repealed, 1975 c 162 s 42]

[For text of subd 18, see M.S.1974]

120.03 Handicapped children, defined.

[For text of subds 1 and 2, see M.S.1974]

Subd. 3. Every child who by reason of an emotional disturbance, or a learning disability, or a special behavior problem needs special instruction and services, but who is educable, as determined by the standards of the state board is a handicapped child.

[1975 c 432 s 7]

[For text of subd 4, see M.S.1974]

120.08 Attendance; high school in adjoining state.

Subdivision 1. Any person under 21 years of age residing in any district not maintaining a secondary school who has successfully completed the elementary school may, with the consent of the board of such district, attend any secondary school of a district in an adjoining state willing to admit him, which secondary school is nearer to his place of residence than any duly established secondary school in Minnesota, the distances being measured by the usual

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traveled routes. Any tuition charged by the district so attended shall be paid to the district attended by the district in which the person resides. This tuition shall not be more than (a) such district charges non-resident pupils of that state, (b) the average maintenance cost exclusive of transportation per pupil unit in average daily membership in the school attended, nor (c) the tuition rate provided for in section 124.18, subdivision 2.

Any pupil attending a secondary school in an adjoining state for whom tuition is paid from district funds is entitled to transportation services in accordance with Minnesota Statutes.

[1975 c 162 s 2]

[For text of subd 2, see M.S.1974]

120.10 Compulsory attendance.

[For text of subds 1 and 2, see M.S.1974]

Subd. 3. Legitimate exemptions. Such child may be excused from attendance upon application of his parent, guardian, or other person having control of such child, to any member of the board, truant officer, principal, or superintendent, for the whole or any part of such period, by the board of the district in which the child resides, upon its being shown to the satisfaction of such board:

(1) That such child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or

(2) That such child has already completed the studies ordinarily required in the tenth grade; or

(3) That it is the wish of the parent, guardian, or other person having control of such child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof, such school to be conducted and maintained in a place other than a public school building, and in no event, in whole or in part, at public expense; provided, that a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

Provided that students in regular attendance at the University of Minnesota Northwest School of Agriculture at Crookston, Minnesota, and the University of Minnesota Southern School of Agriculture at Waseca, Minnesota, during the fall and winter terms may be excused from attendance between April 1 and October 1 in any year.

[1975 c 162 s 3]

[For text of subd 4, see M.S.1974]

120.11 School boards and teachers, duties.

It shall be the duty of each board through its clerk or other authorized agent or employee, to report the names of children between six and 16 years of age, with excuses, if any, granted in such district, to the superintendent or principals thereof, within the first week of school. Subsequent excuses granted shall be forthwith reported in the same manner. The clerk or principal shall provide the teachers in the several schools, under his supervision, with the necessary information for the respective grades of school, relating to the list of

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pupils with excuses granted. On receipt of the list of such pupils of school age and the excuses granted, the clerk or principals shall report the names of children not excused, who are not attending school, with the names and addresses of their parents, to the district superintendent within five days after receiving the report.

[1975 c 162 s 4]

120.12 Compulsory attendance; how enforced.

Subdivision 1. Notice to parents and county attorney. The district superintendent shall forthwith notify the parent, guardian, or person in charge to send such child, of whose unexcused absence he has been informed, to school and upon his neglect or refusal to comply with the notification, the district superintendent shall, upon receipt of information of such non-compliance, notify the county attorney of the facts in each case. Notification by registered mail shall be considered sufficient notice.

Subd. 2. Private schools. It shall be the duty of the principal, teacher, or other person in charge of any private school to make reports at such times and containing such information as is herein required respecting public schools. Such report shall be made to the district superintendent in whose district such private school is located.

Subd. 3. Criminal complaint; prosecution. The district superintendent shall make and file a criminal complaint against persons neglecting or refusing to comply with the provisions of law relating to the sending of children to school, in any court in the county exercising criminal jurisdiction and, upon the making of such complaint, a warrant shall be issued and proceedings and trial be had as provided by law in cases of misdemeanor and shall be prosecuted by the county attorney of the county wherein the offense is committed.

[1975 c 162 s 5]

120.17 Handicapped children.

Subdivision 1. Special instruction for handicapped children of school age. Every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district and who are handicapped as set forth in section 120.03. When the provision of instruction, training, and services may result in hardship or injury to the child, the school board may appeal the mandatory provisions of Laws 1971, Chapter 689 to the commissioner of education who shall determine what provisions shall be made by the district for the education of the child. School age means the ages of four years to 21 years for children who are deaf, blind, crippled or have speech defects; and five years to 21 years for mentally retarded children; and shall not extend beyond secondary school or its equivalent. Every district may provide special instruction and services for handicapped children who have not attained school age. Districts with less than the minimum number of eligible handicapped children as determined by the state board shall cooperate with other districts to maintain a full sequence of programs for education, training and services for handicapped children as defined in section 120.03, subdivisions 1 to 3. A district that decides to maintain programs for trainable handicapped children is encouraged to cooperate with other districts to maintain a full sequence of programs.

Subd. 1a. School districts may provide special instruction and services through the school year in which the pupil reaches age 25 for trainable mentally retarded pupils as defined in section 120.03, subdivision 4, who have attended public school less than nine years prior to September, 1975.

[For text of subs 2 to 5, see M.S.1974]

Subd. 5a. Every district may provide summer programs for handicapped children living within the district, including nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7. Prior to March 31, the

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providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to subdivisions 6 or 7, of its intention to provide these programs. Notwithstanding any contrary provisions in subdivisions 6 and 7, the school district providing the special instruction and services shall apply for all state aid for the summer program, including special state aid pursuant to section 124.32, foundation aid and transportation aid. For the purposes of computing foundation aid for these programs, all pupils enrolled in these programs shall be construed to be residents of the district providing the programs. The unreimbursed actual cost of providing the program for nonresident handicapped children may be billed to the district of the child's residence and shall be paid by the resident district. This subdivision shall be effective March 1, 1976.

[1975 c 432 s 8-10]

[For text of subs 6 to 8a, see M.S.1974]

120.76 Post-secondary instructional programs.

Sections 120.71 to 120.76 shall not be construed to prohibit a school board from charging reasonable fees for goods and services provided in connection with any post-secondary instructional program, including but not limited to vocational-technical, veteran farmer cooperative training, and community school programs, and continuing education and evening school programs other than those conducted pursuant to section 124.26.

[1975 c 432 s 11]

120.78 Fuel conservation reports.

Subdivision 1. On or before August 15 of each year each school district shall submit to the commissioner of education, in such manner and upon such forms as he shall furnish, a comprehensive report of the energy consumed by the district during the previous school year ending June 30. The report shall include: (1) the amount and type of fuel consumed to heat each building and other structure maintained by the district; (2) the amount of fuel used to transport students to and from school and between schools; and (3) such other information as the commissioner may require related to the consumption of energy.

[1975 c 91 s 1]

[For text of subd 2, see M.S.1974]

120.80 Early graduation.

Subdivision 1. Notwithstanding any law to the contrary, any secondary school student who has completed all required courses may, with the approval of the student, his parent or guardian, and local school officials, graduate prior to the completion of the school year. All aid which such student, had he not graduated, would have earned for the district pursuant to section 124.212, plus that portion of the amount raised by the local tax levy which results from such transitional year students plus that portion of any excess levy allowable under section 275.125, subdivision 6, shall continue to be earned by the district.

[1975 c 432 s 12]

[For text of subd 2, see M.S.1974]