

MINNESOTA STATUTES 1975 SUPPLEMENT

SCHOOL DISTRICTS; FORMATION 122.21

121.43 [Repealed, 1975 c 162 s 42]

121.44 [Repealed, 1975 c 162 s 42]

121.45 [Repealed, 1975 c 162 s 42]

121.46 [Repealed, 1975 c 162 s 42]

121.47 [Repealed, 1975 c 162 s 42]

121.87 State community school advisory council.

Subdivision 1. A 25 member state community school advisory council shall be established for the purpose of promoting the furtherance of sections 121.85 to 121.89, and the advancement of educational, recreational and social opportunity through the maximum utilization of public school facilities throughout the state of Minnesota. The council shall be appointed by the governor and shall consist of two lay members from each congressional district and nine members selected at large who shall represent government and professions most closely related to community school activities, functions and school administrative jurisdictions.

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

Subd. 3. Clerical, mailing, printing, and other justifiable expenses incurred by the council shall be paid from funds set aside for the administration of the office of the director of community school programs. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

[1975 c 315 s 9,10]

121.89 [Repealed, 1975 c 432 s 97]

CHAPTER 122. SCHOOL DISTRICTS; FORMATION AND ALTERATION

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122.35	Repealed.		
122.355	Border districts; continued operation.		

122.11 [Repealed, 1975 c 162 s 42]

122.21 Detachment and annexation of land.

Subdivision 1. The owner of land which adjoins any independent district, and whose land is not in a special district may petition the county board of the county in which the greater part of the area proposed for detachment and annexation lies to detach all or any part of his land together with the intervening lands as defined in subparagraph (b) below, from the district it now is in, and to attach it, together with such intervening land, to the adjoining district. For purpose of this section, land is adjoining a school district if:

(a) The boundary of the area proposed for detachment and annexation is the same as the district boundary to which attachment is sought at any point, including corners, or

(b) The area proposed for detachment and annexation is separated at any point from the district to which annexation is sought by not more than one-half mile and the intervening land is vacant and unoccupied or is owned by one or more of the following: The United States, or the state of Minnesota or any of its political subdivisions, or an owner who is unknown or cannot be

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found or

(c) The area proposed by a land owner for detachment and annexation is adjoining (as defined in subparagraphs (a) and (b) above) any land proposed for detachment from and annexation to the same district in another pending petition.

[1975 c 162 s 10]

[For text of subs 2 to 6, see M.S.1974]

122.22 Dissolution and attachment.

[For text of subs 1 to 16, see M.S.1974]

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

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

Subd. 19. [Repealed, 1975 c 162 s 42]

122.23 Consolidation.

Subdivision 1. Common or independent districts or parts thereof, including those constituting parts of an unorganized territory or any combination of the foregoing may consolidate into a single independent district by proceedings taken in accordance with this section. The proposed new district must contain at least 18 sections of land. A proposed new district must be composed of contiguous areas unless an entire district is to be part of a district which maintains a secondary school and there is no district intervening which maintains a secondary school.

Subd. 2. Upon a resolution of a school board in the area proposed for consolidation or upon receipt of a petition therefor executed by 25 percent of the voters resident in the area proposed for consolidation or by 50 such voters, whichever is lesser, the county auditor of the county which contains the greatest land area of the proposed new district shall forthwith cause a plat to be prepared. The resolution or petition shall show the approximate area proposed for consolidation. If more than one request for a plat is received by a county auditor and the requests involve parts of identical districts, he shall forthwith prepare a plat which in his opinion best serves the educational interests of the inhabitants of the districts or areas affected. The plat shall show:

(a) Boundaries of the proposed district, as determined by the county auditor, and present district boundaries,

(b) The location of school buildings in the area proposed as a new district and the location of school buildings in adjoining districts,

(c) Other pertinent information as determined by the county auditor.

Subd. 2a. The county auditor of the county containing the greatest land area of the area proposed to be consolidated shall perform the duties provided by section 122.23.

Subd. 3. A supporting statement to accompany the plat shall be prepared by the county auditor. The statement shall contain:

(a) The assessed valuation of property in the proposed district,

(b) If a part of any district is included in the proposed new district, the assessed valuation of the property and the approximate number of pupils residing in the part of the district included shall be shown separately and the assessed valuation of the property and the approximate number of pupils residing in the part of the district not included shall also be shown,

(c) The reasons for the proposed consolidation, "including a statement that at the time the plat is submitted to the state board of education, no proceedings are pending to dissolve any district involved in the plat unless all of the district to be dissolved and all of each district to which attachment is pro-

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posed is included in the plat,"

(d) A statement showing that the jurisdictional fact requirements of subdivision 1 are met by the proposal,

(e) Any other information the county auditor desires to include,

(f) The signature of the county auditor.

Subd. 4. The county auditor shall submit the plat and supporting statement to the commissioner and a true copy of each to the auditor of each county containing any land area of the proposed new district.

Subd. 5. Upon receipt of a plat and the supporting statement, each auditor shall immediately notify his respective county board. After such notification, and during the pendency of proceedings under the plat and supporting statement or for a period of six months, whichever is shorter, no action may be taken by the county board under any other law to modify the boundary of any district if any part of the district is included in an area proposed for consolidation.

Subd. 6. The state board shall, upon receipt of a plat, forthwith examine it and approve, modify or reject it. Prior thereto the state board or a member thereof or the commissioner or assistant commissioner as designated by the state board shall conduct a hearing at the nearest county seat in the area upon reasonable notice to the affected districts and county boards if requested within 20 days after submission of the plat. Such a hearing may be requested by the board of any affected district, a county board of commissioners, or the petition of 20 resident voters living within the area proposed for consolidation. It shall endorse thereon its reasons for its actions and within 60 days of the date of the receipt of the plat, it shall return it to the county auditor who submitted it. He shall furnish a copy of that plat, and the supporting statement and his endorsement to the auditor of each county containing any land area of the proposed new district. If land area of a particular county was included in the plat, as submitted by the county auditor, and all of such land area is excluded in the plat as modified and approved, the state board shall also furnish a copy of the modified plat, supporting statement, and his endorsement to the auditor of such county.

Subd. 7. Upon receipt of an approved plat, the county auditor shall forthwith notify the board of any district, all or part of whose land is included in the proposed new district.

Subd. 8. The board of any independent district maintaining a secondary school, the board of any common district maintaining a secondary school, or the board for unorganized territory, all or part of whose land is included in the proposed new district, shall, within 45 days of the approval of the plat by the state board, either adopt or reject the plan as proposed in the approved plat. If the board of any such district or unorganized territory entitled to act on the petition rejects the proposal, the proceedings are terminated and dismissed. If any board fails to act on the plat within the time allowed, the proceedings are terminated.

Subd. 9. If the approved plat contains land area in more than one independent district maintaining a secondary school, or common district maintaining a secondary school, and if each board entitled to act on the plat approves the plat, each such board shall cause notice of its action to be published at least once in its official newspaper. If five percent of the resident freeholders of any such district shall petition the clerk of the district, within 30 days after the publication of such notice, for an election on the question, the consolidation shall not become effective until approved by a majority vote in such district at an election held in the manner provided in subdivisions 11, 12 and 13.

Subd. 10. If an approved plat contains land area in any district not entitled to act on approval or rejection of the plat by action of its board, the plat may be approved by the residents of such land area within 60 days of approval of plat by the state board in the following manner:

A petition calling upon the county auditor to call and conduct an election on the question of adoption or rejection of the plat may be circulated in such land area by any person residing in such areas. Upon the filing of such petition with the county auditor, executed by at least 25 percent of the resident freeholders in each

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district or part of a district contained in such land area, the county auditor shall forthwith call and conduct a special election of the electors resident in the whole land area on the question of adoption of the plat. For the purposes of this section, the term "electors resident in the whole land area" means and shall be construed to include any person or persons residing on any remaining portion of land, a part of which is included in the consolidation plat. Any freeholder owning land included in such plat who lives upon land adjacent or contiguous to that part of his land included in such plat shall be included and counted in computing the 25 percent of the resident freeholders necessary to sign such petition and shall also be qualified to sign such petition. Failure to file such petition within 60 days of approval of plat by the state board terminates the proceedings.

Subd. 11. Upon an election becoming callable under provisions of subdivision 10, the county auditor shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the area, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

Subd. 12. The county auditor shall determine the date of the election, the number of boundaries of voting precincts, and the location of the polling places where voting shall be conducted, and the hours the polls will be open. He shall provide official ballots which shall be used exclusively and shall be in the following form:

For consolidation

Against consolidation

He shall appoint three election judges for each polling place who shall act as clerks of election. The county may pay these election judges not to exceed \$1 per hour. The ballots and results shall be certified to the county auditor who shall canvass and tabulate the total vote cast for and against the proposal.

Subd. 13. If a majority of the votes cast on the question at the election approve the consolidation, and if the necessary approving resolutions of boards entitled to act on the plat have been adopted, the county auditor shall, within ten days of the election, issue his order setting a date not later than July 1 next following the election for the effective date of the change. He shall mail or deliver a copy of such order to each auditor holding a copy of the plat and to the clerk of each district affected by the order and to the commissioner. If the election fails, the proceedings are terminated and the county auditor shall so notify the commissioner and the auditors and the clerk of each school district affected.

Subd. 14. Upon receipt of the order creating a new district, the commissioner shall forthwith, by order, assign an identification number to the new district and shall mail a copy of his order to the county auditor and to each auditor who holds a copy of the plat. If all of the territory in one and only one independent district maintaining a secondary school is included in the new independent district created pursuant to consolidation, and if the commissioner finds that it is more practical and reasonable and in the interest of efficiency and economy of operation to so do, he may assign to the new district the same number as previously held by the included independent district.

Subd. 15. If no district is divided by virtue of the proceedings, all of the assets, real and personal, of the districts involved and all legally valid and enforceable claims and contract obligations of the districts pass to the new district. If a district is divided by virtue of the proceedings, upon receipt of the order of the commissioner, the auditor of the county containing the greatest land area of the new district shall present a copy of the plat and supporting statement and orders issued in the proceedings to the county board at its next regular meeting, together with such information as is available to him concerning the assets and liabilities not secured by bonds of each district, any part of which is included in the newly created district. Thereafter within 30 days the county board shall issue its order providing for a division of the assets of the

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districts involved and apportioning and dividing these assets according to such terms as it may deem just and equitable. In making this division of assets and liabilities, the county board may consider the amount of bonded debt to be assumed by property in each area under the provisions of this section. If the order of consolidation transfers any real estate interest to the new district or to another district, the order apportioning assets and liabilities may impose a dollar claim on the district receiving the real estate in favor of any other district involved in an amount not exceeding the reasonable value of the real estate interest involved, which claim shall be paid in the manner provided by law for the enforcement of judgments.

Subd. 16. As of the effective date of the consolidation, all the taxable property in the newly created district is taxable for the payment of any bonded debt theretofore incurred by any component district in the proportion which the assessed valuation of that part of a pre-existing district which is included in the newly created district bears to the assessed valuation of the entire pre-existing district as of the time of the consolidation. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the county board dividing the assets and liabilities of the component parts. This subdivision shall not relieve any property from any tax liability for payment of any bonded obligation but taxable property in the newly created district becomes primarily liable for the payment of bonded debts to the extent of the proportion stated. The board of the newly created district, when constituted as provided in subdivision 17, may provide for an election of that district on the issuance of bonds, and may issue and sell bonds authorized at such an election, or bonds authorized at an election previously held in any pre-existing district wholly included within the newly created district, or bonds for a purpose for which an election is not required by law. Such actions may be taken at any time after the date of the county auditor's order issued under subdivision 13, and before or after the date upon which the consolidation becomes effective for other purposes, and taxes for the payment of any such bonds shall be levied upon all taxable property in the newly created district; except that no bonds shall be delivered to purchasers until 30 days after the date of the county auditor's order. If within this period a notice of appeal from the county auditor's order to the district court is filed in accordance with section 127.25, no bonds shall be delivered by the newly created district to purchasers until and unless the county auditor's order is affirmed by final order of the district court in such special proceeding, and a period of 30 days from the service of such final order expires without an appeal to the supreme court being commenced or, if an appeal is taken, the order is affirmed by the supreme court; except that if all of the territory of one and only one independent district maintaining a secondary school is included in the newly created district, and if the assessed valuation of taxable property in such territory comprises 90 percent or more of the assessed valuation of all taxable property in the newly created district, the board may issue, sell, and deliver any bonds voted by the pre-existing independent district and any bonds voted or otherwise authorized by the newly created district, notwithstanding the pendency of any such appeal, and such bonds shall be paid by the levy of taxes upon the property within the territory of the pre-existing independent district and within such other areas, if any, as may be finally determined to be properly included within the newly created district. In any election held in the newly created district as authorized in the preceding sentence, all qualified electors residing within the area of that district as defined in the county auditor's order shall be entitled to vote, but the votes cast by residents of former districts or portions of former districts included in such area, other than the independent district maintaining the secondary school, shall be received and counted separately; and the bonds shall not be issued and sold unless authorized by a majority of the votes cast thereon by electors of the independent district maintaining the secondary school, and also by a majority of the votes cast thereon by electors residing within the entire area of the newly created district.

Subd. 17. If all of the territory of one and only one independent district maintaining a secondary school is included in the new independent district, the board of that previously existing independent district shall assume the duties and responsibilities of the board of the newly organized district for the balance of the term to which the members were elected. At the next annual school election the successors

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to the members whose terms then expire shall be elected by the legally qualified voters of the newly organized district. Thereafter, board members shall be elected according to the election procedure established for the election of board members in independent districts.

Subd. 18. (a) If no board is provided for under the foregoing provision, upon receipt of the assigned identification number, the county auditor shall determine a date, not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, upon which date shall be held a special election in the district for the purpose of electing a board of six members for terms as follows: two until July following the next annual election, two until the expiration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies according to provisions of law governing the election of board members in independent districts.

(b) The county auditor shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the proposed new district, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

(c) The county may pay the election judges not to exceed \$1 per hour for their services.

(d) Any person desiring to be a candidate for a school election shall file an application with the county auditor to have his name placed on the ballot for such office, specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(e) The county auditor shall prepare, at the expense of the county, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election. The county shall determine the number of voting precincts and the boundaries of each. He shall determine the location of polling places and the hours the polls shall be open. He shall appoint three election judges for each polling place who shall act as clerks of election. Election judges shall certify ballots and results to the county auditor for tabulation and canvass.

(f) Upon canvass and tabulation by the county auditor he shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by registered mail, and each person so certified shall file an acceptance and oath of office with the county auditor within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill vacancy has been taken.

(g) The board of each district included in the new enlarged district shall continue to maintain school therein until July 1 next following, but such boards shall have power and authority only to make such contracts and to do such things as are necessary to maintain properly the schools for the period they may be in session prior to said first day of July.

(h) It shall be the immediate duty of the newly elected board of the new enlarged district, when the members thereof have qualified and the board has been organized, to plan for the maintenance of the school or schools of the new district for the next school year and to enter into the necessary contracts for the employment of personnel, purchase of equipment and supplies, and other acquisition and betterment purposes and when authorized by the voters to issue bonds under the provisions of chapter 475; and on said July 1 to assume the full duties of the care, management and control of the new enlarged district. The board of the new enlarged district shall give due consideration to the feasibility of maintaining such existing attendance centers and of establishing such other attendance centers, especially in rural areas, as will afford equitable and efficient school administration and assure the convenience and welfare of the pupils residing in the enlarged district.

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Subd. 19. In case of the consolidation of two or more districts or parts of districts into a larger district, any portions or parts of divided districts which have less than four sections of land shall be attached to one or more adjoining districts by the board of county commissioners upon due notice and hearing.

The county auditor shall give ten days' posted notice of the hearing in the area to be attached and shall deliver a copy of the notice of hearing to the clerk of each district adjoining the area at least 30 days prior to the date set for the hearing. If any adjoining district by resolution of its board, a copy of which is served on the county board before the hearing, demands that area to be attached assume a proportionate share of the bonded debt of the demanding district, then if the order of the county board attaches any land area to such district, the taxable property in such area assumes its proportionate share of the authorized and outstanding bonded debt of the district to which it is attached.

[1975 c 162 s 11]

122.26 Special district to independent district.

[For text of subds 1 to 15, see M.S.1974]

Subd. 16. The board of an independent district located wholly or partly within a city of the first class may not levy taxes on real and personal property for school purposes in any year at a mill rate to exceed the mill rate of such district or any predecessor district or on behalf of the district for the preceding year, except as authorized by this section. When such independent district results from the conversion of a special district, the amount of taxes from which the first mill rate of the new district is calculated shall include the estimated or agreed cost of all services which may have previously been furnished by the municipality without cost to the school district. The levy under this limitation shall not include levy for pensions, employee benefits, and debt service which shall continue to be levied separately as now provided by law. Nothing herein shall authorize a levy in excess of the limitation contained in section 275.125.

[For text of subds 17 and 18, see M.S.1974]

Subd. 19. Not less than ten days nor more than 30 days after this special meeting, the board may establish a new limitation not in excess of that contained in the notice of hearing on the maximum tax levy that can be imposed, expressed in dollars per resident pupil unit as used in section 124.17. This new limitation shall not exceed the higher of the limitations calculated as provided in section 275.125. This new limitation shall take effect 60 days after the date of said resolution unless the people take action to reject the limitation in the manner provided in subdivision 20.

[1975 c 162 s 12,13]

[For text of subds 20 to 22, see M.S.1974]

122.31 [Repealed, 1975 c 162 s 42]

122.32 Remaining districts, action of county board; election.

Subdivision 1. If there be any organized school district not maintaining a classified school within the district, except those districts which have a contract with the state college board, or with the board of regents of the university of Minnesota for the education of all the children of the district, such district shall hereby be dissolved as of the date the district ceases to maintain a classified school. Any such district not maintaining a classified school shall forthwith be attached by order of the county board to such district maintaining classified elementary or secondary schools upon notice and hearing as provided in section 122.22 for the attachment of dissolved districts.

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[1975 c 162 s 14]

[For text of subs 2 and 3, see M.S.1974]

122.33 [Repealed, 1975 c 162 s 42]

122.35 [Repealed, 1975 c 162 s 42]

122.355 Border districts; continued operation.

Subdivision 1. The common school districts situated along the border of the state of Minnesota and the state of Wisconsin which have, for the preceding 25 years, prior to the effective date of this act been educating pupils of their district in school districts in Wisconsin may continue to operate as common school districts notwithstanding that any of such school districts do not maintain classified schools. Such school districts are not subject to the terms and provisions of sections 122.32 to 122.52.

[1975 c 162 s 15]

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

122.41 Policy.

It is hereby declared to be the policy of the state to encourage the organization of school districts into such local units of administration as will afford better educational opportunities for all pupils, make possible a more economical and efficient operation of the schools and insure a more equitable distribution of public school revenue. To this end all area of the state shall be included in an independent or special school district maintaining classified elementary and secondary schools, grades one through twelve.

[1975 c 162 s 16]

122.43 Dissolution of districts not a part of independent districts.

Subdivision 1. If there be any organized school district not a part of an independent school district maintaining classified elementary and secondary schools, grades one through twelve, such district shall hereby be dissolved.

Subd. 2. The board of each district so dissolved shall continue to maintain school therein until all territory thereof has been attached to a proper district not later than July 1, but such boards shall have power and authority only to make such contracts and to do such things as are necessary to maintain properly the schools for the period they may be in session prior to the attachment.

[1975 c 162 s 17]

122.44 Attachment to organized districts; procedure.

Subdivision 1. All territory of school districts dissolved by sections 122.41 to 122.52 and all area of the state not in a district maintaining classified elementary and secondary schools shall be attached by order of the county board to organized districts maintaining classified elementary and secondary schools, grades one through twelve upon notice and hearing, as provided in section 122.22 for the attachment of dissolved districts.

Subd. 2. [Repealed, 1975 c 162 s 42]

Subd. 3. [Repealed, 1975 c 162 s 42]

Subd. 4. [Repealed, 1975 c 162 s 42]

Subd. 5. [Repealed, 1975 c 162 s 42]

[1975 c 162 s 18]

122.45 Distribution and division of assets and liabilities; taxation.

Subdivision 1. Title to all the property, real and personal, of any district dissolved under the provisions of sections 122.41 to 122.52 and all legally valid and enforceable claims and contract obligations, pass to the district to which

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such dissolved district is attached. If a district is divided by virtue of the proceedings, the county board shall issue its subsequent order providing for the division of the assets and liabilities according to such terms as it may deem just and equitable.

[1975 c 162 s 19]

[For text of subs 2 and 3a, see M.S.1974]

122.49 [Repealed, 1975 c 162 s 42]

122.51 Appeal.

The appeal provisions of section 127.25 shall be applicable only after the county board has issued its final order of attachment under section 122.22.

[1975 c 162 s 20]

CHAPTER 123. SCHOOL DISTRICTS; ELECTIONS, POWERS AND DUTIES

Sec.		Sec.	
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123.31	Independent school districts, voting machines.	123.931	Declaration of policy. [New]
123.32	Independent school districts, elections.	123.932	Definitions. [New]
123.33	Boards of independent school districts.	123.933	Purchase or loan of instructional materials. [New]
123.34	Officers of independent school districts.	123.934	Purchase and provision or loan of equipment. [New]
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123.39	Independent school districts, transportation.	123.937	Appropriation. [New]
123.56	Repealed.		
123.65	Discontinuance of schools.		
123.72	Medical insurance premiums for retired personnel.		
123.73	Data processing by joint board, acquisition of property. [New]		

123.015 Elections; corrupt practices.

The provisions of sections 210A.03 and 210A.05, subdivision 1 and all acts amendatory thereof shall apply to any elections of a school district, however organized, or a school election held in unorganized territory.

[1975 c 162 s 21; 1975 c 284 s 46]

123.21 Limitation of sections.

Material contained in sections 123.11 to 123.20 relates only to common school districts numbers 323 and 815.

[1975 c 162 s 22]

123.31 Independent school districts, voting machines.

[For text of subd 1, see M.S.1974]

Subd. 2. The provisions of sections 204A.17, subdivision 4, and 206.02 to 206.23, shall apply to the use of voting machines in school elections insofar as applicable.

[1975 c 5 s 127]

123.32 Independent school districts, elections.

[For text of subd 1 see M.S.1974]

Subd. 1a. (a) An eligible voter for a school district election shall be a person who at the time of the election:

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such dissolved district is attached. If a district is divided by virtue of the proceedings, the county board shall issue its subsequent order providing for the division of the assets and liabilities according to such terms as it may deem just and equitable.

[1975 c 162 s 19]

[For text of subs 2 and 3a, see M.S.1974]

122.49 [Repealed, 1975 c 162 s 42]

122.51 Appeal.

The appeal provisions of section 127.25 shall be applicable only after the county board has issued its final order of attachment under section 122.22.

[1975 c 162 s 20]

CHAPTER 123. SCHOOL DISTRICTS; ELECTIONS, POWERS AND DUTIES

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[1975 c 162 s 21; 1975 c 284 s 46]

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[1975 c 162 s 22]

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[For text of subd 1, see M.S.1974]

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[1975 c 5 s 127]

123.32 Independent school districts, elections.

[For text of subd 1 see M.S.1974]

Subd. 1a. (a) An eligible voter for a school district election shall be a person who at the time of the election:

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- (1) Is 18 or more years of age;
- (2) Is a citizen of the United States;
- (3) Is a resident of the school district; and
- (4) Has resided in Minnesota for 20 days.

(b) The following persons are not eligible voters:

- (1) Any person who has been convicted of treason or any felony, who has not had his civil rights restored;
- (2) Any person who is under guardianship over his person;
- (3) Any person who is adjudicated to be non compos mentis or insane; and
- (4) Any person who is not properly registered, if a voter registration system has been adopted for such school district.

[For text of subs 2 to 24, see M.S.1974]

Subd. 25. (a) Any voter may contest the election of any person for or against whom he had the right to vote, who is declared elected to a school district office, or other questions submitted to public vote, by proceeding as follows:

He shall file with the clerk of the district court of the county in which the administrative office of the school district is located, within ten days after the canvass is completed, a written notice of contest specifying the points upon which the contest will be made, and cause a copy thereof to be served within said period as follows:

- (1) If the contest be upon the election of any person, then upon the person whose election he is contesting and the official authorized to issue the certificate of election;
- (2) If the contest be upon the question of consolidation or reorganization, then upon the county auditor authorized by law to issue the order;
- (3) If the contest be upon any other question, by serving a copy upon the clerk of the district.

When the contestee desires to offer testimony on points not specified in contestant's notice, he shall file and serve on the contestant notice thereof specifying such additional points. Such notices shall be treated as the pleadings in the case and may be amended in the discretion of the court in such manner and within such times as the court may by order direct. Thereafter the matter shall be tried and determined by the court at a time set by the court within 30 days after such canvass. So far as consistent with this section, the Rules of Civil Procedure shall apply.

(b) When an appeal is taken to the supreme court from the determination of the district court in any contest instituted under this code, the party appealing shall file in the district court a bond in such sum, not less than \$500, and with such sureties, as shall be approved by the judge, conditioned for the payment of all costs incurred by the respondent in case appellant fails on his

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appeal. The return of such appeal shall be made, certified, and filed in the supreme court within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time when it is in session, upon ten days' notice from either party, which may be served during term time or in vacation; and it may be heard and determined summarily by the court.

[1975 c 72 s 1; 1975 c 162 s 23]

[For text of subds 26 and 27, see M.S.1974]

123.33 Boards of independent school districts.

[For text of subds 1 to 8, see M.S.1974]

Subd. 9. [Repealed, 1975 c 162 s 42]

[For text of subds 10 and 11, see M.S.1974]

Subd. 12. The clerk, treasurer, and superintendent of any district shall receive such compensation as may be fixed by the board. Unless otherwise provided by law, the other members of the board shall also receive such compensation as may be fixed by the board. All members of the board may receive reimbursement for transportation at the rate provided for in section 43.328.

Subd. 13. [Repealed, 1975 c 162 s 42]

[1975 c 162 s 24]

[For text of subds 14 to 16, see M.S.1974]

123.34 Officers of independent school districts.

Subdivision 1. Within ten days after the election of the first board in independent districts and annually thereafter on July 1, or as soon thereafter as practicable, the board shall meet and organize by selecting a chairman, clerk, and a treasurer, who shall hold their offices for one year and until their successors are selected and qualify. The persons who perform the duties of the clerk and treasurer need not be members of the board and the board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the office of business affairs. They may appoint a superintendent who shall be ex officio a member of the board, but not entitled to vote therein. In districts in which board members are elected at the general election in November, the annual meeting of the board shall be held on the first Monday of January or as soon thereafter as practicable.

[For text of subds 2 to 8, see M.S.1974]

Subd. 9. All districts maintaining a classified secondary school shall employ a superintendent who shall be ex officio a member of the school board but not entitled to vote therein. The superintendent in such districts shall visit the schools of the district, and exercise a general supervision over them, and report their condition to the board, with proper recommendations, when he deems it advisable, or when requested by the board. He shall make recommendations to the board concerning the employment and dismissal of teachers. He shall superintend the grading of the schools and examinations for promotions and perform such other duties as the board shall prescribe. He shall make directly to the commissioner such reports as shall be required.

[1975 c 162 s 25; 1975 c 432 s 16]

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[For text of subd 10, see M.S.1974]

123.36 Schoolhouses and sites, independent school districts.

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

Subd. 7. When necessary, the board may lease rooms or buildings for school purposes.

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

Subd. 10. The board may lease a schoolhouse which is not needed for school purposes to any person or organization. The board may charge and collect reasonable consideration for the lease and may determine the terms and conditions of the lease. In districts with outstanding bonds, the net proceeds of the lease shall be used first pursuant to section 475.61, subdivision 3, to reduce the levy authorized for payments for bonds issued and for interest thereon pursuant to section 275.125, subdivision 3, clause (1). Any remaining net proceeds in these districts and all net proceeds of the lease in districts without outstanding bonds shall be used to reduce the levy authorized for general and special school purposes by section 275.125, subdivision 2a.

[1975 c 59 s 1; 1975 c 199 s 1]

123.37 Independent school districts, contracts.

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

Subd. 3. Any contract made by the board for the rental of rooms or buildings for school purposes, or for the free transportation of pupils to and from school, or for the rental of any facility or facilities owned or operated by or under the direction of any private organization, shall be effective until disapproved by the commissioner, and all such contracts shall be submitted to him for approval immediately after being signed by the parties.

[1975 c 59 s 2]

[For text of subds 4 to 14, see M.S.1974]

123.39 Independent school districts, transportation.

[For text of subds 1 to 12, see M.S.1974]

Subd. 13. The board shall contract with any licensed daytime activity center attended by a resident handicapped person who fulfills the eligibility requirements of section 252.23, subdivision 1, to transport the resident handicapped person to the daytime activity center in return for payment by the daytime activity center of the cost of the transportation, if transportation by the board is in the best interest of the handicapped person and is not unreasonably burdensome to the district and if a less expensive, reasonable, alternative means of transporting the handicapped person does not exist. If the board and the daytime activity center are unable to agree to a contract, either the board or the daytime activity center may appeal to the commissioner of education to resolve the conflict. All decisions of the commissioner shall be final and binding upon the board and the daytime activity center.

[1975 c 238 s 1]

123.56 [Repealed, 1975 c 162 s 42]

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123.65 Discontinuance of schools.

The board of any district in any emergency or upon authorization by a majority of the voters present at any regular or special school meeting of the district, may provide for the instruction of its pupils in an adjoining or nearby district and, in such case, may discontinue the schools of its own districts or of any grades in said schools, in which case it shall provide for the free tuition and transportation of the pupils of its own district to the school in an adjoining or nearby district. Such free transportation shall conform to the rules and regulations of the state board of education. The teachers shall keep the registers separately for the pupils from each district discontinuing its schools and return the registers and make separate records to the clerk of such district and to the department of education of the number and names of pupils, with their attendance, and such district shall retain its organization and be entitled to special state aid under such rules as may be fixed by the state board of education.

[1975 c 162 s 26]

123.72 Medical insurance premiums for retired personnel.

The school board of any independent school district may expend funds to pay premiums on hospitalization and major medical insurance coverage for officers and employees who retire prior to age 65 and who are between the ages of 55 and 65. Such premiums shall only be paid until such retired officers and employees reach age 65.

[1975 c 365 s 1]

123.73 Data processing by joint board, acquisition of property.

Any joint board formed pursuant to section 471.59 by two or more school districts, however organized, for the purpose in whole or in part of establishing or providing data processing services may acquire, transfer and hold title to real and personal property to the extent and in the manner as is authorized by law for independent school districts. For purposes of acquiring, transferring and holding title to real and personal property, such joint board shall be considered a separate governmental entity.

[1975 c 154 s 1]

123.78 Equal treatment.

Subdivision 1. The school board of any district which is now or hereafter eligible to receive state aid for transportation under chapters 123 and 124, shall provide equal transportation within the district for all school children to any school when transportation is deemed necessary by any board by reason of distance or traffic condition in like manner and form as provided in sections 123.16, subdivisions 3 and 4; 123.18; 123.37, subdivisions 3 and 4; 123.39; and 124.223, when applicable.

Subd. 1a. (a) The school board of any local district shall provide school bus transportation to the district boundary for school children residing in the district at least the same distance from a nonpublic school actually attended in another district as public school pupils are transported in the transporting district, whether or not there is another nonpublic school within the transporting district, if the transportation is to schools maintaining grades or departments not maintained in the district or if the attendance of such children at school can more safely, economically, or conveniently be provided for by such means. (b) The school board of any local district may provide school bus transportation to a nonpublic school in another district for school children residing in the district and attending that school, whether or not there is another nonpublic school within the transporting district, if the transportation is to schools maintaining grades or departments not maintained in the district or if the attendance of such children at school can more safely, economically, or conveniently be provided for by such means. If the board transports children to a nonpublic school located in another district, the nonpublic school shall pay the cost of such transportation provided outside the district boundaries.

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[1975 c 51 s 1; 1975 c 162 s 27]

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

123.80 Safety education for transported students.

Subdivision 1. Not later than January 1, 1975 the state board of education shall provide by rule or regulation a program of safety education for students who are transported to school. Each district receiving aid under the provisions of section 124.222 shall implement the program for the school year beginning in September 1975. In drafting said regulations, the board shall give particular attention to procedures for loading, unloading, vehicle lane crossing and emergency evacuation procedures as they affect school buses.

Subd. 2. Not later than January 1, 1976, the state board of education shall promulgate rules which will assure the safe and efficient transportation of handicapped pupils who because of their special handicapping conditions require special transportation arrangements. In drafting these rules, the board shall give particular attention to standards for vehicles used in transporting handicapped pupils, equipment to assure the safety of these pupils, and the qualifications of the drivers and aides providing transportation services.

[1975 c 432 s 17]

123.931 Declaration of policy.

It is the intent of the legislature by this enactment to provide for distribution of educational aids such as auxiliary services, instructional materials and equipment so that every school child in the state will share equitably in education benefits and therefore further assure all Minnesota students and their parents freedom of choice in education.

[1975 c 396 s 1]

123.932 Definitions.

Subdivision 1. "Instructional materials" means textbooks, books, workbooks, published materials, reusable workbooks or manuals, whether bound or in looseleaf form, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, globes, sound recordings, including but not limited to those on discs and tapes, processed slides, transparencies, film, filmstrips, kinescopes, video tapes, or any other printed and published materials of a similar nature made by any method; the term includes only such secular, neutral and nonideological instructional materials as are available and are of benefit to Minnesota public school students and are intended for use as implements or sources of study for a given class or group of students and which are expected to be available for the individual use of each pupil in such class or group; the term shall also include such secular, neutral, nonideological instructional materials as are normally provided and made available in public school libraries. The term shall be limited to "textbooks", "school library and audio visual materials" and "instructional supplies" as those terms or their equivalent are described and designated in the manual of instructions for uniform accounting for Minnesota school districts, published by the department of education.

Subd. 2. "Pupil units" shall be defined as in section 124.17, subdivision 1, clauses 1 and 2.

Subd. 3. "Nonpublic school" means any school within the state other than a public school, wherein a resident of Minnesota may legally fulfill the compulsory school attendance requirements of section 120.10, and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352).

Subd. 4. "School" means any public or nonpublic school within the state wherein children receive educational services and materials provided for or recognized by the state, limited to kindergarten through grade 12.

Subd. 5. "Pupil" or "student" means a child enrolled in a school and is

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limited to children who are residents, or children of residents, of Minnesota.

Subd. 6. "Auxiliary services" means guidance, counseling and testing services; psychological services; services for handicapped children; remedial and therapeutic services; speech and hearing services; services for the improvement of the educationally disadvantaged; and such other secular, neutral, nonideological services as are of benefit to nonpublic school children and which are provided for public school children of Minnesota.

Subd. 7. "Intermediary service area" means a school administrative unit approved by the state board of education, other than a single school district, such as but not limited to the following: (a) a regional educational service area; (b) a cooperative of two or more school districts; (c) learning centers; or (d) an association of schools or school districts.

Subd. 8. "Equipment" means any item that is a moveable unit of furnishing, an instrument, a machine, an apparatus, or set of articles which meet all the following conditions: (1) It retains its original shape and appearance with use; and (2) It is nonexpendable, that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair rather than replace it with an entirely new unit. The term shall be limited to secular, neutral, nonideological items and devices which are used by children in public schools and shall be limited to courses or curriculum relating to: physical education programs, laboratory sciences, mathematical sciences, business training, practical arts and vocational-technical programs. The term shall exclude any items and devices which are capable of being used for the instruction of religion or religious tenets.

[1975 c 396 s 2]

123.933 Purchase or loan of instructional materials.

The state board of education shall promulgate rules under the provisions of chapter 15, requiring that in each school year, based upon formal requests by or on behalf of nonpublic school students in a nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire instructional materials and loan or provide them for use by children enrolled in that nonpublic school. These instructional materials shall be loaned or provided free to the children for the school year for which requested. The loan or provision of the instructional materials shall be subject to rules prescribed by the state board of education. In the case of consumable or nonreusable instructional materials the title and possession may be surrendered to the nonpublic school student for whom they are provided; in the case of nonconsumable or reusable instructional materials the title to same shall remain in the servicing school district or intermediary service area, and possession or custody may be granted or charged to administrators of the nonpublic school attended by the nonpublic school pupil or pupils to whom the instructional materials were loaned. The cost per pupil unit of the instructional materials provided for in sections 123.931 to 123.937 for each school year shall not exceed the statewide average cost per pupil unit spent by the Minnesota public elementary and secondary schools for instructional materials as computed and established by the department of education by each preceding October 1 from the most recent public school year data then available. The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the instructional materials for the students in each nonpublic school which shall not exceed the product of the statewide average cost per pupil unit multiplied by the number of nonpublic school pupil units enrolled as of October 1 of the preceding school year.

[1975 c 396 s 3]

123.934 Purchase and provision or loan of equipment.

The state board of education shall promulgate rules under the provisions of chapter 15, requiring that in each school year, based upon formal requests by or on behalf of nonpublic school students in a nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire

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equipment and loan or provide the same for use by children enrolled in that nonpublic school. This equipment shall be loaned or provided free for the children for the school year for which requested. The loan or provision of the equipment shall be subject to rules prescribed by the state board of education and prior to September 1, 1975, and January 1 of each year thereafter, the state board shall promulgate rules and regulations specifically designating which items and devices are capable of being used for the instruction of religion or religious tenets. Title to the equipment shall remain in the servicing school district or intermediary service area, but possession or custody may be granted or charged to administrators of the nonpublic school attended by the nonpublic school pupil or pupils for whom the equipment is provided and loaned. The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the equipment for the students in each nonpublic school, which shall not exceed \$10 per pupil unit enrolled as of October 1 of the preceding school year.

[1975 c 396 s 4]

123.935 Provision of auxiliary services.

The state board of education shall promulgate rules under the provisions of chapter 15 requiring each school district or other intermediary service area to provide each year upon formal request by a specific date by or on behalf of a nonpublic school student enrolled in a nonpublic school, the same auxiliary services as are provided for Minnesota public school pupils. The requests shall be limited collectively to nonpublic school students enrolled in a given nonpublic school. The auxiliary services shall be provided in the student's respective school whenever possible by the district or intermediary service area wherein the nonpublic student's school is situated. The cost of the required services shall not exceed the amount allotted under this section to the participating district or intermediary service area. Each school year the commissioner shall allot to the school districts or other intermediary service areas for the provision of the services the actual cost of the services for that school year not to exceed \$50 multiplied by the number of nonpublic school pupils in grades 9 through 12 and \$75 multiplied by the number of nonpublic school pupils in kindergarten through grade 8, enrolled as of October 1 of the last preceding school year.

[1975 c 396 s 5]

123.936 Payments for contractual obligations.

In every event the commissioner shall make such payments to school districts or intermediary service areas pursuant to sections 123.931 to 123.937 as are needed to meet contractual obligations incurred for the provision of benefits to nonpublic school students pursuant to sections 123.933, 123.934 or 123.935.

[1975 c 396 s 6]

123.937 Appropriation.

There is appropriated annually to the department of education from the general fund of the state treasury the sum of \$12,000,000 for the purposes of sections 123.931 to 123.937.

[1975 c 396 s 8]