

CHAPTER 126

CURRICULUM, CONDUCT, TEXTBOOKS

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126.01 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.01 DEFINITIONS.

For purposes of this chapter, the words defined in section 120.02 have the same meaning.

History: *Ex1959 c 71 art 7 s 1*

126.02 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.02 PHYSICAL AND HEALTH EDUCATION.

Subdivision 1. Instruction required in public schools. There shall be established and provided in all the public schools of this state, physical and health education, training, and instruction of pupils of both sexes. Every pupil attending any such school, insofar as he or she is physically fit and able to do so, shall participate in the physical training program. Suitable modified courses shall be provided for pupils physically or mentally unable or unfit to take the courses prescribed for normal pupils. No pupil shall be required to undergo a physical or medical examination or treatment if the parent or legal guardian of the person of such pupil shall in writing notify the teacher or principal or other person in charge of such pupil that he objects to such physical or medical examination or treatment; provided that secondary school pupils in junior and senior years need not take the course unless required by the local school board.

Subd. 2. Training of teachers. All colleges, schools, and other educational institutions giving teacher training shall provide courses in physical and health education, training, and instruction and every pupil attending any college, school, or educational institution in preparation for teaching service shall take such courses.

History: *Ex1959 c 71 art 7 s 2; 1963 c 48 s 1*

126.021 [Repealed, 1977 c 447 art 6 s 13]

126.022 [Repealed, 1977 c 447 art 6 s 13]

126.023 [Repealed, 1976 c 149 s 63]

126.024 [Repealed, 1977 c 447 art 6 s 13]

126.03 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.03 INSTRUCTION IN MORALS.

Instruction shall be given in all public schools in morals, in physiology and hygiene, and in the effects of narcotics and stimulants.

History: *Ex1959 c 71 art 7 s 3*

126.04 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.04 MS 1971 [Repealed, 1973 c 572 s 18]

126.05 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.05 TEACHER TRAINING, EFFECTS OF DRUGS AND ALCOHOL.

All educational institutions providing teacher education shall offer a program in the personal use and misuse of and dependency on tobacco, alcohol, drugs and other chemicals, and every student attending such institution in preparation for teaching service shall be required to take and to satisfactorily complete such a program. Every student who graduates after June, 1974, shall complete such a course.

History: *Ex1959 c 71 art 7 s 5; 1971 c 892 s 12*

126.06 MS 1953 [Repealed, 1955 c 650 s 1]

126.06 DECLARATION OF INDEPENDENCE AND CONSTITUTION.

In the eighth grade and in the secondary school grades of all public schools and in the corresponding grades in all other schools within the state, and in the educational departments of state and municipal institutions, there shall be given regular courses of instruction in the Declaration of Independence and the Constitution of the United States, to the extent to be determined by the commissioner.

History: *Ex1959 c 71 art 7 s 6*

126.07 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.07 INSTRUCTION, USE OF ENGLISH LANGUAGE.

The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; provided that in the case of a program for children of limited English proficiency, instructions and books may be in the primary language of the children of limited English proficiency. As used in this section, the terms "children of limited English proficiency" and "primary language" shall have the meanings ascribed to them in section 126.262. In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study.

History: *Ex1959 c 71 art 7 s 7; 1977 c 306 s 15; 1980 c 609 art 3 s 3*

126.08 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.08 PATRIOTIC EXERCISES.

In all of the schools in this state it shall be the duty of the superintendent or teachers in charge of such schools to teach and require the teaching therein, on at least one day out of each week, of subjects and exercises tending and calculated to encourage and inculcate a spirit of patriotism in the students.

Such exercises shall consist of the singing of patriotic songs, readings from American history and from the biographies of American statesmen and patriots, and such other patriotic exercises as the superintendent or teachers of such schools may determine.

The time to be spent thereon on each of these days shall not exceed one-half hour.

History: *Ex1959 c 71 art 7 s 8*

126.09 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.09 MINNESOTA DAY.

May 11 is hereby designated as Minnesota Day and when it does not fall on a school day, the school day nearest such day is designated as Minnesota Day. On that day all the public schools of this state shall give special attention to exercises devoted to matters of interest pertaining to the state of Minnesota and its geography, history, industries, and resources.

History: *Ex1959 c 71 art 7 s 9*

126.10 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.10 SPECIAL DAYS.

The following days or the school days nearest to them are designated for special observance in the public schools of the state: September 28 as Frances Willard Day, October 9 as Leif Ericson Day, January 15 as Martin Luther King, Jr. Day, and February 15 as Susan B. Anthony Day. On these days schools may offer instruction and programs in commemoration of the life and history of the respective persons and the principles and ideals they fostered.

History: *Ex1959 c 71 art 7 s 10; 1980 c 609 art 6 s 29*

126.11 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.11 ARBOR DAY.

Subdivision 1. The last Friday in April is designated Arbor Day. On that day there may be special observances throughout the state celebrating and emphasizing the importance of cultivating forest, fruit and ornamental trees. In the public schools of the state, time may be devoted by the teachers, either in the classroom or outside of the classroom, to appropriate instructions and exercises commemorating the history and tradition of Arbor Day observances in the past and illustrating the future value to the state of cultivating, planting and developing the trees and forest resources. These observances shall not consume more than one-half of the normal school day.

Subd. 2. The department of natural resources may assist and encourage the observance of Arbor Day by any public school, group or association requesting assistance. The department may lend its facilities and resources to such public school, group or association for the planting and cultivating of trees.

Subd. 3. The governor shall in any way he deems necessary encourage the observances and exercises set forth in this section and he shall by proclamation call the public's attention to the importance of the state forest resources and the policy herein set forth.

History: *Ex1959 c 71 art 7 s 11; 1965 c 405 s 1; 1969 c 1129 art 3 s 1*

126.111 ENVIRONMENTAL CONSERVATION EDUCATION.

Subdivision 1. The state department of education with the cooperation of the department of natural resources shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with socio-ecological principles, the production of appropriate curriculum materials and implementation in the public schools in the state. The program may also provide for a program of instruction to be developed and implemented for residents throughout the state. Any pro-

gram of instruction developed under this subdivision shall be voluntary for any adult participating in the program.

Subd. 2. The commissioner of education in consultation with the director of the energy agency shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase shall be an assessment of available curriculum materials, the amount and type of energy curriculum already being taught, and what needs to be developed to provide an integrated approach to energy education consistent with socio-economic and ecological principles. Subsequent phases shall include development of curriculum guidelines and materials and a plan for their implementation as funds become available.

History: 1969 c 1025 s 1; 1969 c 1129 art 3 s 2; 1977 c 381 s 20; 1978 c 578 s 2

126.12 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.12 SCHOOL CALENDAR.

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

History: Ex1959 c 71 art 7 s 12; 1967 c 890 s 2; 1974 c 326 s 15; 1978 c 764 s 89

126.13 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.13 CONDUCT OF SCHOOL ON CERTAIN HOLIDAYS.

The governing body of any district may contract with any of the teachers thereof for the conduct of schools, and may conduct schools, on either, or any, of the following holidays, provided that a clause to this effect is inserted in the teacher's contract: Lincoln's and Washington's birthdays, Columbus Day and Veterans' Day, provided that on Washington's birthday, Lincoln's birthday, and Veterans' Day at least one hour of the school program be devoted to a patriotic observance of the day.

History: Ex1959 c 71 art 7 s 13

126.14 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.14 UNITED STATES FLAG.

Subdivision 1. **Displayed by schools.** There shall be displayed at every public school in Minnesota when in session an appropriate United States flag. Such display shall be upon the school grounds or outside the school building, upon a proper staff, on every legal holiday occurring during the school term and at such other times as the respective boards of such districts may direct and within the principal rooms of such school building at all other times while the same is in session.

Subd. 2. **School boards to provide flags and staffs.** It shall be the duty of each board to provide such flag for each of the school buildings of their respective districts, together with a suitable staff for the display thereof outside of such school building and proper arrangement for the display thereof within such building, and a suitable receptacle for the safekeeping of such flag when not in use, as by this section directed, at all times.

History: Ex1959 c 71 art 7 s 14

126.15 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.15 SCHOOL SAFETY PATROLS.

Subdivision 1. **Establishment.** In the exercise of authorized control and supervision over pupils attending schools and other educational institutions, both public and private, the governing board or other directing authority of any such school or institution is empowered to authorize the organization and supervision of school safety patrols for the purpose of influencing and encouraging other pupils to refrain from crossing public highways at points other than regular crossings and for the purpose of directing pupils when and where to cross highways.

Subd. 2. **Appointment of members.** Unless the parents or guardian of a pupil object in writing to the school authorities to the appointment of the pupil on a school safety patrol, it is lawful for any pupil over nine years of age to be appointed and designated as a member thereof, provided that in any school in which there are no pupils who have attained such age any pupil in the highest grade therein may be so appointed and designated.

Subd. 3. **Liability not to attach.** No liability shall attach either to the school, educational institution, governing board, directing authority, or any individual director, board member, superintendent, principal, teacher, or other school authority by virtue of the organization, maintenance, or operation of such a school safety patrol because of injuries sustained by any pupil, whether a member of the patrol or otherwise by reason of the operation and maintenance thereof.

Subd. 4. **Identify, operation.** Identification and operation of school safety patrols shall be uniform throughout the state and the method of identification and signals to be used shall be as prescribed by the commissioner of public safety.

History: *Ex1959 c 71 art 7 s 15; 1971 c 491 s 4*

126.151 VOCATIONAL EDUCATION STUDENT ORGANIZATIONS.

Any pupil enrolled in a vocational-technical education program approved by the state board of education may belong to a vocational student organization which is operated as an integral part of the program. The commissioner of education may provide assistance and leadership to these organizations.

History: *1975 c 432 s 71*

126.16 MS 1957 [Repealed, Ex1959 c 71 art 8 s 26]

126.16 MS 1978 [Repealed, 1979 c 334 art 6 s 34]

126.17 [Repealed, 1973 c 386 s 3]

126.18 [Repealed, 1979 c 334 art 6 s 34]

126.19 [Repealed, 1974 c 92 s 1]

126.20 EYE PROTECTIVE DEVICES.

Subdivision 1. Every person shall wear industrial quality eye protective devices when participating in, observing or performing any function in connection with, any courses or activities taking place in eye protection areas, as defined in subdivision 3, of any school, college, university or other educational institution in the state.

Subd. 2. Any student failing to comply with such requirements may be temporarily suspended from participation in said course and the registration of a student for such course may be cancelled for willful, flagrant, or repeated failure to observe the above requirements.

Subd. 3. Eye protection areas shall include, but not to be limited to, vocational or industrial art shops, science or other school laboratories, or school or institutional facilities in which activities are taking place and materials are being used involving:

- (a) Hot molten metals;
- (b) Milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials;
- (c) Heat treatment, tempering or kiln firing of any metal or other materials;
- (d) Gas or electric arc welding;
- (e) Repair or servicing of any vehicle or mechanical equipment;
- (f) Any other activity or operation involving work in any area that is potentially hazardous to the eye.

Subd. 4. The governing body of a public educational institution referred to in subdivision 1 may purchase such devices in large quantities for the use of pupils, teachers and visitors.

Subd. 5. Any person desiring protective-corrective lenses instead of the protective devices supplied by the educational institution shall, at his own expense, procure and equip himself with industrial quality eye protective devices.

Subd. 6. "Industrial quality eye protective devices," as used in this section, shall mean devices meeting the standards of the American National Standard Institute, currently identified as Z87.1-1968.

History: *Ex1967 c 14 s 1 subs 1-6; 1976 c 40 s 1*

126.21 ATHLETIC PROGRAMS; SEX DISCRIMINATION.

Subdivision 1. The legislature recognizes certain past inequities in access to athletic programs and in the various degrees of athletic opportunity previously afforded members of each sex. The purpose of this section is to provide an equal opportunity for members of both sexes to participate in athletic programs.

Subd. 2. Each educational institution or public service shall provide equal opportunity for members of both sexes to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this section, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution or the population served by the public service; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of both sexes; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

Subd. 3. (1) Notwithstanding any other state law to the contrary, in athletic programs operated by educational institutions or public services and designed for participants 12 years old or older or in the seventh grade or above, it is not an unfair discriminatory practice to restrict membership on an athletic team to participants of one sex whose overall athletic opportunities have previously been limited.

(2) When an educational institution or a public service provides athletic teams for children 11 years old or younger or in the sixth grade or below, those teams shall be operated without restrictions on the basis of sex, except that when overall athletic opportunities for one sex have previously been limited and

there is a demonstrated interest by members of that sex to participate on a team restricted to members of that sex, the educational institution or public service may provide a team restricted to members of that sex.

(3) When two teams in the same sport are in fact separated or substantially separated according to sex, the two teams shall be provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects shall be treated in a substantially equal manner. However, nothing in this section shall be construed to require the two teams to conduct combined practice sessions or any other combined activities related to athletics.

(4) If two teams are provided in the same sport, one of these teams may be restricted to members of a sex whose overall athletic opportunities have previously been limited, and members of either sex shall be permitted to try out for the other team.

Subd. 4. When an equal opportunity to participate in the elementary or secondary school level athletic program of an educational institution or public service is not provided to members of a sex whose overall athletic opportunities have previously been limited, that educational institution or public service shall, where there is demonstrated interest, provide separate teams for members of the excluded sex in sports which it determines will provide members of that excluded sex with an equal opportunity to participate in its athletic program and which will attempt to accommodate their demonstrated interests.

Subd. 5. The state board of education, after consultation with the commissioner of human rights shall promulgate rules in accordance with chapter 15 to implement this section to prevent discrimination in elementary and secondary school athletic programs operated by educational institutions. The rules promulgated by the state board pursuant to this section shall not require athletic competition or tournaments for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited to be scheduled in conjunction with the scheduling of athletic competition or tournaments for teams whose membership is not so restricted by this section. Any organization, association or league entered into by elementary or secondary schools or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between members shall provide rules and regulations and conduct its activities so as to permit its members to comply fully with this section. The rules of that organization, association or league may provide separate seasons for athletic competition or tournaments in a sport for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited from athletic competition or tournaments established for teams in that same sport whose membership is not so restricted by this section, and its rules may prohibit a participating student from competing on more than one school team in a given sport during a single school year.

History: 1975 c 338 s 1; 1980 c 355 s 1

EDUCATION FOR LIMITED ENGLISH PROFICIENT STUDENTS ACT

126.261 CITATION.

Sections 126.261 to 126.269 may be cited as the education for limited English proficient students act.

History: 1980 c 609 art 3 s 14

126.262 DEFINITIONS.

Subdivision 1. For purposes of sections 126.261 to 126.269, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pupil of limited English proficiency" means a pupil in any of the grades of kindergarten through 12 who meets the following requirements:

(a) The pupil, as declared by his parent or guardian (1) first learned a language other than English, (2) comes from a home where the language usually spoken is other than English, or (3) usually speaks a language other than English; and

(b) The pupil's score is significantly below the average district score for pupils of the same age on a nationally normed English reading or English language arts achievement test. A pupil's score shall be considered significantly below the average district score for pupils of the same age if it is one-third of a standard deviation below that average score.

Subd. 3. "Essential instructional personnel" means the following:

(a) A teacher licensed by the state board of teaching to teach bilingual education or English as a second language;

(b) A teacher with an exemption from a teaching license requirement pursuant to section 126.266 who is employed in a school district's English as a second language or bilingual education program;

(c) Any teacher as defined in section 125.03 who holds a valid license from the state board of teaching, if the district assures the state department of education that the teacher will obtain the preservice and inservice training the department considers necessary to enable the teacher to provide appropriate service to pupils of limited English proficiency.

Subd. 4. "English as a second language program" means a program for the instruction of pupils of limited English proficiency in the following English language skills: reading, writing, listening and speaking.

Subd. 5. "Bilingual education program" means an educational program in which instruction is given in both English and the primary language of the pupil of limited English proficiency to the extent necessary to allow the pupil to progress effectively through the educational system and to attain the basic skills of reading, writing, listening, and speaking in the English language so that the pupil will be able to perform ordinary classwork successfully in English.

Subd. 6. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 7. "Parent" includes a child's legal guardian.

Subd. 8. "Educational program for limited English proficient students" means an English as a second language program, bilingual education program, or both an English as a second language and a bilingual education program.

History: 1980 c 609 art 3 s 15

126.263 AID AUTHORIZATION.

Subdivision 1. **Teacher salaries.** Beginning with the 1980-1981 school year, the department of education shall pay a school district an amount not to exceed 70 percent of the salaries paid to essential instructional personnel employed by the district in its educational program for students of limited English proficiency. The department shall pay a district an amount not to exceed 70 percent of the salary of one full time equivalent teacher for each 45 pupils of limited English proficiency, or a pro rata amount thereof for fewer than 45 pupils. Notwithstanding the foregoing, the department shall pay an amount not to exceed 70 percent of the salary for one-half of a full time equivalent teacher for a district which has 22 or fewer pupils of limited English proficiency.

Subd. 2. **Participation of nonpublic school pupils.** In counting the number of pupils of limited English proficiency for purposes of this section, districts may include pupils of limited English proficiency who attend nonpublic schools in the district. A district which counts those pupils and receives aid pursuant to this section shall offer those pupils the same programs on the same terms that it offers to pupils of limited English proficiency who attend the public school. A program provided for a nonpublic school pupil pursuant to this subdivision shall be provided at a public school or a neutral site as defined in section 123.932, subdivision 9. Nonpublic school pupils served by a district's educational program for limited English proficient students shall be counted for average daily membership pursuant to section 124.212, subdivision 9a.

Subd. 3. **Applications.** (a) A district that wishes to receive aid pursuant to this section for programs to serve pupils enrolled before the application deadline shall apply to the commissioner of education before September 15 in each year in the manner prescribed by the commissioner. The application shall include the number of pupils to be served in the district educational program for limited English proficient students, the number of essential instructional personnel the district proposes to employ in this program and any other information deemed necessary by the commissioner to implement this section. School districts may submit joint applications for aid pursuant to this section, and districts which have fewer than 45 pupils of limited English proficiency are encouraged to submit joint applications and to share essential instructional personnel for English as a second language programs or bilingual education programs. A district that wishes to receive aid pursuant to this section for programs to serve pupils enrolled after the application deadline may apply to the commissioner of education at any time before the end of the school year in the manner prescribed by the commissioner.

(b) The commissioner shall provide procedures for districts to submit additional applications for aid pursuant to this section for additional essential instructional personnel needed to serve substantial increases in the number of limited English proficient pupils who enroll in a district's educational program for limited English proficient students after the district has received aid for that school year pursuant to this section.

Subd. 4. **Notice of aid; payments.** The department shall inform each applicant district of the amount of aid it will receive pursuant to this section by October 15 for applications received before September 15, and it shall pay this aid by December 1. For districts submitting an application after September 15, the department shall inform the applicant district of the amount of aid it will receive pursuant to this section within a month after the application is submitted, and the department shall pay the aid within 15 days after notifying the district that it will receive aid.

Subd. 5. **Records; audit.** A district which applies for aid pursuant to this section shall maintain records which support the information contained in all of its applications. The commissioner of education may audit these records upon request. A district which receives aid pursuant to this section shall keep such additional records in the manner prescribed by the commissioner as the commissioner deems necessary to ensure that an educational program for limited English proficient students is implemented and operated in accordance with sections 126.261 to 126.269.

Subd. 6. **Money from other sources.** A school district providing a program for limited English proficient students shall be eligible to receive moneys for these programs from other government agencies and from private sources when these moneys are available.

History: 1980 c 609 art 3 s 16

126.264 RIGHTS OF PARENTS.

Subdivision 1. No later than ten days after the enrollment of any pupil in an instructional program for limited English proficient students, the school district in which the pupil resides shall notify the parent or guardian by mail. This notice shall:

- (a) Be in writing in English and in the primary language of the pupil's parents;
- (b) Inform the parents that their child has been enrolled in an instructional program for limited English proficient students;
- (c) Contain a simple, nontechnical description of the purposes, method and content of the program;
- (d) Inform the parents that they have the right to visit the educational program for limited English proficient students in which their child is enrolled;
- (e) Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and
- (f) Inform the parents of their rights to withdraw their child from an educational program for limited English proficient students and the time and manner in which to do so.

The department of education shall, at the request of the school district, prepare the notice in the primary language of the parent or guardian.

Subd. 2. Any parent whose child is enrolled in an educational program for limited English proficient students shall have the right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from the program by providing written notice of this intent to the principal of the school in which his child is enrolled or to the superintendent of the school district in which his child resides. Nothing herein shall preclude a parent from reenrolling a child of limited English proficiency in an educational program for limited English proficient students.

Subd. 3. A district which receives moneys pursuant to section 126.263 shall encourage involvement of parents of pupils enrolled in the educational program for limited English proficient students in this program. The district shall solicit the views of parents about the program and its effects upon their children.

History: 1980 c 609 art 3 s 17

126.265 GENERAL REQUIREMENTS FOR PROGRAMS.

A district which receives aid pursuant to section 126.263 shall comply with the following program requirements:

- (a) To the extent possible, the district shall avoid isolating children of limited English proficiency for a substantial part of the school day; and
- (b) In predominantly nonverbal subjects, such as art, music, and physical education, pupils of limited English proficiency shall be permitted to participate fully and on an equal basis with their contemporaries in public school classes provided for these subjects. To the extent possible, the school district shall assure to pupils enrolled in a program for limited English proficient students an equal and meaningful opportunity to participate fully with other pupils in all extracurricular activities.

History: 1980 c 609 art 3 s 18

126.266 EXEMPTION FROM TEACHING LICENSURE.

Subdivision 1. The commissioner of education may grant an exemption from the licensure requirement in the hiring of teachers of English as a second language or bilingual education teachers to a school district if the commissioner finds that compliance would impose a hardship upon the district in the securing of teachers for its educational programs for limited English proficient students. The commissioner of education shall notify the board of teaching of any exemptions granted pursuant to this section.

Subd. 2. A teacher serving under an exemption as provided in subdivision 1 shall be granted a license as soon as that teacher qualifies for it. Not more than one year of service by a teacher under an exemption shall be credited to the teacher for the purposes of section 125.12, and not more than two years shall be credited to the teacher for purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which the teacher becomes licensed.

History: 1980 c 609 art 3 s 19

126.267 TECHNICAL ASSISTANCE.

The state board of education shall provide technical assistance to school districts receiving aid pursuant to section 126.263 and to post-secondary institutions for preservice and inservice training for bilingual education teachers and English as a second language teachers employed in educational programs for limited English proficient students, teaching methods, curriculum development, testing and testing mechanisms, and the development of instructional materials for these educational programs.

History: 1980 c 609 art 3 s 20

126.268 DEPARTMENT OF EDUCATION STAFF COMPLEMENT; MONEYS FROM OTHER SOURCES.

Subdivision 1. In order to carry out the duties imposed by sections 126.263, 126.264, 126.266, and 126.267, the department of education may add two professional positions and one clerical position with moneys appropriated to the commissioner of education for this purpose in Laws 1980, Chapter 609, Article 3, Section 27, Subdivision 2. In addition, if the commissioner of education receives moneys for that purpose pursuant to Title IV of the Civil Rights Act of 1964 (P.L. 88-352), as amended, or Title VII of the Elementary and Secondary Education Act of 1965 (P.L. 89-10), as amended, the department may add two professional positions and one clerical position and pay the salaries for the positions from the federal moneys.

Subd. 2. The state board of education may apply for moneys which are or may become available under federal refugee assistance and other programs for administration, demonstration projects, training, technical assistance, planning, and evaluation of programs for limited English proficient students.

History: 1980 c 609 art 3 s 21

126.269 CONSTRUCTION.

Nothing in the provisions of sections 126.261 to 126.268 shall be construed to violate the provisions of section 127.08 or chapter 363. Programs and activities pursuant to sections 126.261 to 126.268 shall be deemed to be positive action programs to combat discrimination.

History: 1980 c 609 art 3 s 22

BILINGUAL EDUCATION

126.31 [Repealed, 1980 c 609 art 3 s 24]

126.32 [Repealed, 1980 c 609 art 3 s 24]

126.33 [Repealed, 1980 c 609 art 3 s 24]

126.34 [Repealed, 1980 c 609 art 3 s 24]

126.35 [Repealed, 1980 c 609 art 3 s 24]

126.36 TEACHERS; LICENSES.

Subdivision 1. **Bilingual and english as a second language licenses.** The board of teaching, hereinafter the board, shall grant teaching licenses in bilingual education and English as a second language to persons who present satisfactory evidence that they:

(a) Possess competence and communicative skills in English and in another language;

(b) Possess a bachelor's degree or other academic degree approved by the board, and meet such requirements as to course of study and training as the board may prescribe.

Subd. 2. **Persons holding general teaching licenses.** A person holding a general teaching license who presents the board with satisfactory evidence of competence and communicative skills in a language other than English may be licensed under this section.

Subd. 3. **Employment of teachers.** Teachers employed in a bilingual education or English as a second language program established pursuant to sections 126.261 to 126.269 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. **Teacher preparation programs.** For the purpose of licensing bilingual and English as a second language teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. **Persons eligible for employment.** Any person licensed under this section shall be eligible for employment by a school board as a teacher in a bilingual education or English as a second language program in which the language for which he is licensed is taught or used as a medium of instruction. A school board may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching.

Subd. 6. [Repealed, 1980 c 609 art 3 s 24]

Subd. 7. **Affirmative efforts in hiring.** In hiring for all positions in bilingual education programs school districts shall give preference to and make affirmative efforts to seek, recruit, and employ persons who are (a) native speakers of the language which is the medium of instruction in the bilingual education program, and (b) who share the culture of the limited English speaking children who are enrolled in the program. The district shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

History: 1977 c 306 s 6; 1980 c 609 art 3 s 4-7

126.37 [Repealed, 1980 c 609 art 3 s 24]

126.38 [Repealed, 1980 c 609 art 3 s 24]

126.39 STATE BOARD OF EDUCATION DUTIES.

Subdivision 1. [Repealed, 1980 c 609 art 3 s 24]

Subd. 2. [Repealed, 1980 c 609 art 3 s 24]

Subd. 3. [Repealed, 1980 c 609 art 3 s 24]

Subd. 4. [Repealed, 1980 c 609 art 3 s 24]

Subd. 5. [Repealed, 1980 c 609 art 3 s 24]

Subd. 6. [Repealed, 1980 c 609 art 3 s 24]

Subd. 7. [Repealed, 1980 c 609 art 3 s 24]

Subd. 8. [Repealed, 1980 c 609 art 3 s 24]

Subd. 9. [Repealed, 1980 c 609 art 3 s 24]

Subd. 10. [Repealed, 1980 c 609 art 3 s 24]

Subd. 11. **Rules.** The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 126.31 to 126.42.

History: 1977 c 306 s 9; 1979 c 334 art 3 s 11

126.40 [Repealed, 1980 c 609 art 3 s 24]

126.41 [Repealed, 1980 c 609 art 3 s 24]

126.42 [Repealed, 1980 c 609 art 3 s 24]

**AMERICAN INDIAN LANGUAGE
AND CULTURE EDUCATION ACT**

126.45 CITATION.

Sections 126.45 to 126.55 may be cited as the American Indian language and culture education act.

History: 1977 c 312 s 1

126.46 DECLARATION OF POLICY.

The legislature finds that a more adequate education is needed for American Indian pupils in the state of Minnesota. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of sections 126.45 to 126.55 to provide for the establishment of American Indian language and culture education programs.

History: 1977 c 312 s 2; 1978 c 706 s 43

126.47 DEFINITIONS.

Subdivision 1. For the purposes of sections 126.45 to 126.55, the words, phrases, and terms defined in this section shall have the meanings given to them.

Subd. 2. "American Indian child" means any child, living on or off a reservation, who is enrolled or eligible for enrollment in a federally recognized tribe.

Subd. 3. "Advisory task force" means the state advisory task force on American Indian language and culture education programs.

Subd. 4. "Participating school" means any nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture which is funded by and participates in the programs in sections 126.45 to 126.55.

History: 1977 c 312 s 3; 1979 c 219 s 1

126.48 AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS.

Subdivision 1. **Program described.** American Indian language and culture education programs shall be programs in elementary and secondary schools enrolling American Indian children designed:

(1) To make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;

(2) To provide positive reinforcement of the self-image of American Indian pupils; and

(3) To develop intercultural awareness among pupils, parents, and staff. Program components may include: instruction in American Indian language, literature, history, and culture; development of support components for staff, including inservice training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and establishment of cooperative liaisons with nonsectarian nonpublic, community, tribal or alternative schools offering curricula which reflect American Indian culture. Districts offering programs may make contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. These programs may also be provided as components of early childhood and family education programs.

Subd. 2. **Voluntary enrollment.** Enrollment in American Indian language and culture education programs shall be voluntary. School districts and participating schools shall make affirmative efforts to encourage participation. They shall encourage parents to visit classes or come to school for a conference explaining the nature of the program and provide visits by school staff to parents' homes to explain the nature of the program.

Subd. 3. **Enrollment of other children; shared time enrollment.** To the extent it is economically feasible, a school district or participating school may make provision for the voluntary enrollment of non-American Indian children in the instructional components of an American Indian language and culture education program in order that they may acquire an understanding of the cultural heritage of the American Indian children for whom that particular program is designed. However, in determining eligibility to participate in a program, priority shall be given to American Indian children. American Indian children and other children enrolled in an existing nonpublic school system may be enrolled on a shared time basis in American Indian language and culture education programs.

Subd. 4. **Location of programs.** American Indian language and culture education programs shall be located in facilities in which regular classes in a variety of subjects are offered on a daily basis.

Subd. 5. **Assignment of students.** No school district or participating school shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 6. **Nonverbal courses and extracurricular activities.** In predominantly nonverbal subjects, such as art, music, and physical education, American Indian children shall participate fully and on an equal basis with their contemporaries in school classes provided for these subjects. Every school district or participating school shall ensure to children enrolled in American Indian language and culture education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be

construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the American Indian children, or which are otherwise necessary to accomplish the objectives described in sections 126.45 to 126.55.

History: 1977 c 312 s 4

126.49 TEACHERS; LICENSES; EXEMPTIONS.

Subdivision 1. American Indian language and culture education licenses. The board of teaching shall grant teaching licenses in American Indian language and culture education to persons who present satisfactory evidence that they:

(a) Possess competence in an American Indian language or possess unique qualifications relative to or knowledge and understanding of American Indian history and culture;

(b) Possess a bachelor's degree or other academic degree approved by the board or meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as the board may prescribe.

This evidence may be presented by affidavits, resolutions, or by such other methods as the board may prescribe. Individuals may present applications for licensure on their own behalf or these applications may be submitted by the superintendent or other authorized official of a school district or a nonsectarian nonpublic, tribal, or alternative school offering a curriculum reflective of American Indian culture.

Subd. 2. Persons holding general teaching licenses. A person holding a general teaching license who presents the board with satisfactory evidence of competence in an American Indian language, or knowledge and understanding of American Indian history and culture may be licensed under this section.

Subd. 3. Employment of teachers. Teachers employed in an American Indian language and culture education program pursuant to sections 126.45 to 126.55 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. Teacher preparation programs. For the purpose of licensing American Indian language and culture education teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. Persons eligible for employment; exemptions. Any person licensed under this section shall be eligible for employment by a school board or a participating school as a teacher in an American Indian language and culture education program in which the American Indian language or culture in which he is licensed is taught. A school district or participating school may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board or participating school upon request may be exempted from the licensure requirements of this section in the hiring of one or more American Indian language and culture education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the securing of the teachers.

Subd. 6. Persons serving under exemptions; licensure; tenure. An American Indian language and culture education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by an American Indian language and culture education teacher under an exemption shall be credited to the teacher for the purposes of section 125.12 and not more than two years shall be credited for the purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.

Subd. 7. **Compensation.** A teacher holding a license or exemption under this section shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general licenses.

Subd. 8. **Affirmative efforts in hiring.** In hiring for all positions in these programs, school districts and participating schools shall give preference to and make affirmative efforts to seek, recruit, and employ persons who share the culture of the American Indian children who are enrolled in the program. The district or participating school shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

History: 1977 c 312 s 5

126.50 TEACHERS AIDES; COMMUNITY COORDINATORS.

In addition to employing American Indian language and culture education teachers, each district or participating school providing programs pursuant to sections 126.45 to 126.55 may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting American Indian language and culture education teachers.

Any district or participating school which conducts American Indian language and culture education programs pursuant to sections 126.45 to 126.55 shall employ one or more full time or part time community coordinators if there are 100 or more students enrolled in the program. Community coordinators shall promote communication understanding, and cooperation between the schools and the community and shall visit the homes of children who are to be enrolled in an American Indian language and culture education program in order to convey information about the program.

History: 1977 c 312 s 6

126.51 PARENT AND COMMUNITY PARTICIPATION.

Subdivision 1. School boards and participating schools shall provide for the maximum involvement of parents of children enrolled in American Indian language and culture education programs pursuant to sections 126.45 to 126.55. Accordingly, before implementing a program, each school district and participating school shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and the opportunity effectively to express their views concerning all aspects of the American Indian language and culture education program and the educational needs of the American Indian children residing within the district's or school's attendance boundaries. The district or participating school shall ensure that the program is planned, operated, and evaluated with the involvement of and in consultation with parents of children eligible to be served by the program.

Subd. 2. The committees shall be composed solely of parents of children eligible to be enrolled in American Indian language and culture programs; secondary students eligible to be served; American Indian language and culture education teachers and aides; counselors; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and that the number of parents of American Indian and non-American Indian children shall reflect approximately the proportion of children of those groups enrolled in the program.

Subd. 3. School principals and other administrators or teachers within the district or participating school shall be encouraged to participate and cooperate with the parent advisory committee.

Subd. 4. If the organizational membership or the board of directors of a participating school consists solely of parents of children attending the school whose children are eligible to be enrolled in American Indian language and culture education programs, that membership or board may serve also as the parent advisory committee.

History: 1977 c 312 s 7

126.52 STATE BOARD OF EDUCATION DUTIES.

Subdivision 1. [Repealed, 1980 c 609 art 3 s 24]

Subd. 2. [Repealed, 1980 c 609 art 3 s 24]

Subd. 3. [Repealed, 1980 c 609 art 3 s 24]

Subd. 4. [Repealed, 1980 c 609 art 3 s 24]

Subd. 5. **Community involvement.** The state board shall provide for the maximum involvement of the state advisory task force on American Indian language and culture education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian language and culture education, in the formulation of policy and procedures relating to the administration of sections 126.45 to 126.55.

Subd. 6. [Repealed, 1980 c 609 art 3 s 24]

Subd. 7. [Repealed, 1980 c 609 art 3 s 24]

Subd. 8. **Technical assistance.** The state board shall provide technical assistance to school districts, participating schools and post secondary institutions for preservice and inservice training for American Indian language and culture education teachers and teacher's aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for American Indian language and culture education programs.

Subd. 9. **Application for funds.** The state board shall apply for grants or funds which are, or may become, available under federal programs for American Indian language and culture education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. [Repealed, 1980 c 609 art 3 s 24]

Subd. 11. **Rules.** The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 126.45 to 126.55.

Subd. 12. **Comprehensive study; Indian needs.** The state planning agency shall prepare a comprehensive study of the educational, economic and social needs of American Indians in Minnesota. The department of education, department of economic development, department of economic security, and the department of corrections shall provide the planning agency with the available information it requests. The commissioners of these departments shall cooperate with the director of the state planning agency in preparing the study. The study shall be presented to the education and finance committees of the senate, and to the education and appropriations committees of the house of representatives by February 1, 1981.

History: 1977 c 312 s 8; 1979 c 334 art 3 s 14; 1980 c 609 art 3 s 8,9

126.53 [Repealed, 1979 c 219 s 3]

NOTE: Section 126.53, subdivision 3 was also amended by Laws 1979, Chapter 334, Article 3, Section 15 to read as follows:

"Subd. 3. The terms, compensation, and removal of members of the advisory task force shall be as provided for in section 15.059, subdivision 6. Notwithstanding the provisions of section 15.059, subdivision 6, the advisory task force shall expire June 30, 1980."

126.531 ADVISORY TASK FORCE ON AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS.

Subdivision 1. The Minnesota Indian Affairs intertribal board shall nominate 15 persons for membership to the American Indian language and culture education advisory task force. The state board of education shall appoint nine persons from those so nominated to constitute the task force. Members shall include representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian language and culture education programs, persons involved in programs for American Indian children in nonsectarian nonpublic, urban, community, tribal or alternative schools and persons knowledgeable in the field of American Indian language and culture education. Members shall be appointed so as to be representative of significant segments of the population of American Indians.

Subd. 2. The advisory task force on American Indian language and culture education programs shall advise the state board in the administration of its duties under sections 126.45 to 126.55.

Subd. 3. The advisory task force shall expire and the terms, compensation and removal of members shall be as provided for in section 15.059, subdivision 6.

History: 1979 c 219 s 2

126.54 CONTINUATION OF INDIAN EDUCATION PILOT PROJECT GRANTS.

Subdivision 1. **Grants; procedures.** For fiscal year 1981, the state board of education shall make grants to no fewer than six school year pilot American Indian language and culture education programs. At least three pilot programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of pilot American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Subd. 2. **Plans.** Each school district or participating school submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 126.45 to 126.55;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 126.45 to 126.55 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 126.48, subdivision 5;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 126.45 to 126.55.

Subd. 3. **Additional requirements.** Each school district receiving a grant under this section shall each year conduct a count of American Indian children in the schools of the district; test for achievement; identify the extent of other educational needs of the children to be enrolled in the American Indian language and culture education program; and classify the American Indian children by grade, level of educational attainment, age and achievement. This count may be part of the school census required pursuant to section 120.095. Participating schools shall maintain records concerning the needs and achievements of American Indian children served.

Subd. 4. **Nondiscrimination; testing.** In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of American Indian children shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying American Indian children.

Subd. 5. **Records.** Participating schools and school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that American Indian language and culture education programs are implemented in conformity with sections 126.45 to 126.55. Each school district or participating school shall keep accurate, detailed, and separate revenue and expenditure accounts for pilot American Indian language and culture education programs funded under this section.

Subd. 6. **Moneys from other sources.** A school district or participating school providing American Indian language and culture education programs shall be eligible to receive moneys for these programs from other government agencies and from private sources when the moneys are available.

Subd. 7. **Exceptions.** Nothing in sections 126.45 to 126.55 shall be construed as prohibiting a district or school from implementing an American Indian language and culture education program which is not in compliance with sections 126.45 to 126.55 if the proposal and plan for that program is not funded pursuant to this section.

History: 1977 c 312 s 10; 1979 c 334 art 3 s 16; 1980 c 609 art 3 s 10-12

126.55 CONSTRUCTION.

Nothing in the provisions of sections 126.45 to 126.55 shall be construed to violate the provisions of section 127.08 or chapter 363. Programs and activities pursuant to sections 126.45 to 126.55 shall be deemed to be positive action programs to combat discrimination.

History: 1977 c 312 s 11